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Tuesday, March 9, 1976
Phalguna 19, 1897 (Saka)

LOK SABHA DEBATES

(Sixteenth Session)



(Vol. LVIII contains Nos. 1—10)

**LOK SABHA SECRETARIAT
NEW DELHI**

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LOK SABHA DEBATES

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LOK SABHA

Tuesday, March 9, 1976/Phalgun 18,
1897 (Saka)

The Lok Sabha met at Eleven of the
Clock

(MR. SPEAKER in the Chair)

ORAL ANSWERS TO QUESTIONS

Dacoity on Howrah—Delhi Janta Express near Andul Station

*25. SHRI DINEN BHATTA-
CHARYYA: Will the Minister of
RAILWAYS be pleased to state;

(a) whether the passengers of
Howrah-Delhi Janta Express were
looted by dacoits near Andul Station
of the Eastern Railway on 10th
February, 1976;

(b) If so, the facts thereof; and

(c) what steps have been taken to
apprehend the culprits and to give
protection to the passengers?

THE DEPUTY MINISTER IN THE
MINISTRY OF RAILWAYS (SHRI
BUTA SINGH): (a) to (c) A
statement is laid on the Table of the
Sabha

Statement

(a) No, Sir. However, a dacoity
took place in 39 Up (Howrah—Delhi
Janta Express) between Durgapur and
Raniganj stations of the Eastern Rail-
way on 8/9-2-76 midnight.

(b) On 8/9-2-76 at about midnight,
about 11/12 persons amongst the
passengers robbed cash and valuables
worth Rs. 8,530/- from six passengers
at the point of daggers and deadly
weapons in 2nd class bogie No. 6823
attached to 39 Up Howrah—Delhi
Janta Express and got down from
running train while the train appro-
ached Raniganj station. Government
Police Station, Andal started case
No. 5 dated 10-2-76 under Section
395 IPC.

In another case of dacoity on
14-2-76 committed in 19 Up Mithila
Express between Durgapur and Andal
the police escorting party arrested 3
persons at Andal and following their
confession they were also arrested in
case No. 5 dated 10-2-76 mentioned
above. One R.P.F. Rakshak has also
been subsequently arrested by the
Police authorities in connection with
the dacoity committed in 39 Up
Howrah—Delhi Janta Express against
case No. 5 of 10-2-1976. No looted
property has however, been recovered,
and the police investigation continues.

(c) The following steps have been
taken to prevent recurrence of crime
in trains:—

1. All important passenger trains
are escorted by Police during
night.
2. Supervision of Government
Railway Police has been
tightened up.
3. Armed Police pickets are posted
at times in the affected
stations

State CID staff are persuing
cases of crime of heinous
nature to lay their hands on

the gang members responsible for such crimes.

SHRI DINEN BHATTACHARYYA: The statement has said that just after the first dacoity in Andal Station (not Andul Station) for which case No. 5 was recorded on 10-2-76, subsequently there was also another dacoity on the same line and the same zone. May I know whether after the steps that have been elaborated here in the statement have been taken by the Government, they are confident that the dacoities that are taking place there quite often will be minimised to the maximum extent?

SHRI BUTA SINGH: We are quite confident that the steps that have been elaborated here and are being contemplated also will definitely minimise the maximisation of dacoities on the Indian Railways. But, at the same time, it is primarily a question of law and order. So, unless the State Governments extend their fullest support, it will not be possible to do much.

SHRI DINEN BHATTACHARYYA: I have got some newspaper reports about the dacoities committed

SHRI PRIYA RAJAN DAS MUNSI: Why should passengers carry so much money in the train? It is a crime.

SHRI DINEN BHATTACHARYYA: It has been reported in the newspaper of February 29 that there was a dacoity in the Dehra Dun Express and the dacoits decamped with the booty after pulling the alarm chain. There is a statement with me in which I find that an R.P.F. man has been arrested. R.P.F. men are involved in it. My question is whether the Government will institute a thorough enquiry into the performance of the R.P.F. men who are in most of the cases connected with not only the dacoits but also the mischief-mongers. Many cases have been cited in this House and outside. Many cases have been reported in the

news papers. But no concrete and effective step has been taken up till now against these corrupt personnel and gangsterism which is prevailing in R.P.F.

SHRI BUTA SINGH: It is true that a person whose name has been given in the statement is an R.P.F. man and he is involved. Action is being taken against him. All that I can say at this stage is that it is not true to say that in most of the cases R.P.F. people are involved. But in some of the cases they are involved. Instructions have been issued that strictest action should be taken against the staff that is involved. Necessary action is being taken by the authorities concerned.

श्री नरसिंह नारायण पाण्डे : जिनकी ट्रेन डकैतियाँ या चोरियों की रेलवे में कोशिश होती है. उनमें आर० पी० एफ० के आदमी अधिकतर पाये जाते हैं. उन की काम्यरेसी इन्स्ट्रिक्शन हो गई है.

अध्यक्ष महोदय : उन्होंने तो कहा है कि ऐसा नहीं है ।

श्री नरसिंह नारायण पाण्डे : मैं मंत्री महोदय से यह जानना चाहता हूँ कि उन सब बातों का देखते हुए क्या आपका डिपार्टमेंट कोई पॉलिसि करे जा रहा है कि ऐसे एक्सप्रेस जो आर० पी० एफ० में हैं जिनके खिलाफ यदि हम तरह की चार्जमेंट हैं तो उनका सख्त से निपटारा किया जाये ।

श्री बूटा सिंह : जी हाँ ऐसे स्टाफ को काफी सख्त से निकाला जा चुका है और यह एक्सप्रेस अभी भी जारी है । जैसा मैंने अभी आशुत भाषा में बताया है—ऐसे कर्मचारी में बहुत सख्त एक्शन लिया जायगा ।

SHRI V. SHANKER GIRI: Will the hon. Minister give the details of the people who are involved in it? Are they professionals, officials or others?

SHRI BUTA SINGH: If his question is limited to the information asked for in Q. No. 25, the information has been supplied in the statement.

A case has been registered. The names that have been mentioned are:

- (1) Parmal Dey of Sapwan of Burdwan District
- (2) Suraj Singh of Howrah
- (3) Provat Robi of Budrwan Dist. at Andal
- (4) One R.P.F. Rakshak named Daroga Smgh, about whom reference was made by Shri Dinan Bhattacharya

Introduction of Double Decker on Railways

*29 SHRI RAJDEO SINGH Will the Minister of RAILWAYS be pleased to state.

(a) whether Government have decided to introduce the double decker coaches on the railways;

(b) if so, whether a two-deck coach is being fitted at the Integral Coach Factory, Perambur and whether the actual trial-runs with regular trains have been completed, and

(c) whether sufficient sitting capacity, height and passenger amenities have been estimated for track clearance?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MOHD SHAFI QURESHI) (a) to (c) The body shell of only one prototype double decker coach has been manufactured and is undergoing static tests at ICF, Perambur. Trial runs shall be made after static testing, modifications necessitated thereby and furnishing etc. are completed. The decision for introducing double decker coach for public use, frequency of service, time and programme for

further manufacture being dependent on test results, passenger reaction; cannot be forecast at present. Estimate and designs for adequacy of sitting capacity, height etc. and passenger amenities have been completed.

श्री राजदेव सिंह : अध्यक्ष महोदय, मैं आपके माध्यम से यह जानना चाहता हूँ कि जब भी कोई नई चीज आती है तो उस के कुछ कारण होते हैं जिनके आधार पर उस नई चीज के लिए सोच विचार होता है। डबल-डैकर का जो आइडिया रेलवे मंत्रालय में आया, तो इसके कारण क्या हैं ?

श्री मुहम्मद शफी कुरेशी : एक बड़ी वजह यह थी कि रेलवे में ओवर क्राउडिंग है और उसको कम करने की कांशिश की जा रही है। वज्राय 80-82 आदमियों के इन डबल डैकर डिब्बों में 146 आदमी सफर करेंगे जिसमें ओवर क्राउडिंग कम हो जाती है।

श्री राजदेव सिंह : मंत्री महोदय ने अपने जवाब में कहा है कि टैस्ट और ट्रायल रन किया जा रहा है तो मैं जानना चाहता हूँ कि यह कब तक आशा की जाती है कि ट्रायल रन पूरा हो जायगा ? और क्या इससे पहले रेल मंत्रालय ने यह देख लिया है कि जा हर स्टेशन पर ओवर थ्रिज तथा नदियों पर पुल और पेट तथा हैड वायर्स हैं उनका भी समचित्त इंतजाम किया जाय जिसमें गाड़ियों के चलने पर किसी तरह की कोई दिक्कत सामने न आये ?

श्री मुहम्मद शफी कुरेशी : जी हाँ, इन सबका क्लीयरेंस देखा गया है और मैंने खुद पिछले हफ्ते डबल डैकर डिब्बों को देखा है कि उनमें अन्दर सीटिंग का इंतजाम कैसा है गर्द वगैरह ना नहीं आती। तमाम टैस्ट होने के बाद ही इनको आम जनता के इस्तेमाल के लिए लाया जायगा।

Increase in Railway Freight Rebate

*30 SHRI JAGANNATH MISHRA: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government have increased the railway freight rebate; and

(b) if so, the advantages therefrom?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH) (a) No, Sir

(b) In view of the answer to part (a) above this question does not arise

SHRI JAGANNATH MISHRA: In view of the answer given by the Minister may I know Sir whether the Railways have introduced a scheme called the 'Freight Forwarders Scheme' and if so, what is the function of that scheme?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MOHD SHAFI QURESHI): The Freight Forwarder Scheme is regarding the contracts and the transport people and they collect the goods for the railways and we give them the wagon and load and they will transfer them from the consignor to the consignee

SHRI JAGANNATH MISHRA: May I know whether the zonal authorities have been authorised to increase the incentives by way of rebate? If so, under what condition, may I know?

SHRI BUTA SINGH: Sir, we have given the zonal authorities sufficient powers to quote rates from station to station based on the type of goods that are being offered

SHRI JAGANNATH MISHRA: What was the justification of giving 'No' to my question? In view of the answer given by the Minister I want to know the justification of giving 'No'

to my question. He cannot say, the question does not arise. So many questions have arisen.

SHRI BUTA SINGH: If you go through the question, the question is whether the Government have increased the railway freight rebate. The answer given is, no, because we have not done that

Building of Wagons in Public Sector Units

*31 SHRI ARJUN SETHI: Will the Minister for RAILWAYS be pleased to state:

(a) whether Government have recently placed orders for 15,555 wagons to be built in public sector units and with the deliveries spreading over three years, and

(b) how far would it help the utilisation of installed capacity of public sector units and help them to roll their way out of the present crisis?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MOHD SHAFI QURESHI) (a) and (b) A statement is laid on the table of the Sabha

Statement

(a) Offers have been made to the active units in the wagon building industry for procurement of a total of 15,555 wagons (in terms of four wheeler units) with deliveries extending upto 31.12.1978. This includes 7,286 wagons (in terms of four wheeler units) for the units under Public Sector/Government management

(b) The installed annual capacity of the six units in Public Sector/under Government management is 15,746 wagons in terms of four wheeler units. But their present realistic capacity is only about 6,000 units (in terms of four wheelers) as four of these units were sick units and started picking

up production under Government management only recently. The total load on these six units as on 1-4-1976 i.e., backlog plus additional orders will be 15786 units. Hence it would be possible for the Public Sector/Government managed units to optimise utilisation of their installed capacity.

SHRI ARJUN SETHI: May I know from the hon. Minister whether it is a fact that the present targets have been drawn up for the procurement and manufacture of wagons, keeping in view the anticipated traffic requirements, the normal replacement and the resources available? If so, what will be the anticipated average utilisation of a wagon per day in 1979-80 in terms of Kilometres and how it will help the public sector wagon-producing units for their economic viability?

SHRI MOHD. SHAFI QURESHI: Sir, we have placed additional order of 15,555 wagons on the wagon Industry. Taking into consideration the fact that the Railways would be able to carry 250 million tonnes, we consider the present rate to be sufficient for the wagon-manufacturing industry.

SHRI CHINTAMANI PANIGRAHI: Sir, May I know from the hon. Minister why he now says that the present realistic capacity is only about 6,000 wagons when the installed capacity of this public sector undertaking is 15,746 wagons? Is it because there are some sick units now? I would like to know from the Government why is it that the installed capacity of the public sector is so much when its realistic capacity is only 6,000 wagons. And what was the difficulty in achieving the wagon capacity of the public sector unit so far as wagons are concerned.

SHRI MOHD. SHAFI QURESHI: All the units are sick ones taken over by Government. It is true that the installed capacity is much more as against the production capacity. So,

keeping this thing in view, the orders which we have now given to the various units have been farmed out according to the production capacity and not according to the installed capacity.

SHRI INDRAJIT GUPTA: May I know from the hon. Minister the names of those four units which he has referred to here as sick units? Secondly, what are the additional orders which have been placed on the sick units in the public sector apart from the backlog? Here only the total figure is given as 15,786 units which include the backlog plus the additional orders. I would like to know what is the additional orders placed on these units. Is he aware of the fact that recently the Chief Minister of West Bengal has remarked in a speech that the State Government has heard that these units in West Bengal are being given some several thousands of additional orders. He said that he had heard about this. But, I find that these orders have not actually been received here by the units concerned. So, what is the position?

SHRI MOHD. SHAFI QURESHI: The likely load of all the units would be 10,623 wagons. That would be the backlog. Additional orders to the tune of 15,555 wagons have been placed on all the units. That would take the total load with these units to 26,173 wagons. That would mean a load for two and half years on these units. The wagon distribution has already been made to various units and it is an equitable distribution based on past performance, installed capacity and the production capacity.

MR. SPEAKER: Give the names of the four sick units.

SHRI INDRAJIT GUPTA: What are the four sick units?

SHRI MOHD. SHAFI QURESHI: The one sick unit taken over by Government for management in 1974 was Arthur Butler; the other sick unit taken over by Government for management in 1974 was Britannia Engineering. The other sick unit taken over by Government for the management in 1973 was Burn & Co and the last one was I.S.W.

SHRI INDRAJIT GUPTA: Britannia Engineering is lying closed for the last Six Years. It has not been taken over by anybody.

SHRI MOHD. SHAFI QURESHI: We have given some orders also

श्री रामावतार शास्त्री : अध्यक्ष जी, क्या यह बात सच है कि रेल डिब्बों के उत्पादन की बात को ध्यान में रखते हुए रेल मंत्रालय का उद्योग मंत्रालय के साथ कोई समझौता हुआ है ? यदि हा, तो उसका ब्यौता क्या है ?

श्री मुहम्मद शकी कुरेशी : समझौते का सवाल नहीं है। कीमत मुकर्रर करनी थी बंग्स की। वह दोनों मंत्रालयों ने बैठ कर मुकर्रर कर ली है। वह किस्मा खत्म हो गया।

Import of Crude by Burmah Shell

*32 **DR RANEN SEN:** Will the Minister of PETROLEUM be pleased to state the names of countries which would supply crude to India through Burmah Shell after its take-over by Government and at what price and the quantum thereof?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): Bharat Refineries are being allocated crude out of the crude imports being effected for the current year. Arrangements for import of crude oil during 1978 have not yet been fully firmed up

In addition to imported crude, Bharat Refineries would be processing crude from Bombay High during this year.

DR. RANEN SEN: May I know whether it is a fact that as a result of negotiation with Burmah Shell Refinery which has been nationalised by Government, their own source of crude supply is being utilised by the Bharat Refineries? If so, what is the amount of crude utilised now by the Bharat Refineries from their own crude sources?

SHRI K. D. MALAVIYA: Sir, the hon. Member should consider these two questions quite separate, that is, taking over of the Burmah-Shell and handing it now to Bharat Refineries on behalf of Government. There is no obligation to purchase crude from any company or through any country which is now tied up with the agreement which has been reached for the take-over. Nevertheless we have kept the option open to purchase crude from the sources which were supplying crude. As and when we like we may go to them. This has been caused, as the hon. Members are aware, because of the difficulty in the availability of crude. So there is no harm in keeping the door open but there is no obligation on us to purchase the crude from them.

DR RANEN SEN: If that is so, may I know, in view of the shortage of crude supply at the present moment, how the total capacity of Bharat Refineries will be utilised?

SHRI K. D. MALAVIYA: I did not say there is no proper crude supply. I only said there are difficulties not because of the non availability of crude but because of the price which we are finding difficult to pay on the terms of those who want to supply crude. It is a question of prolonged negotiations. The doors are open. The field is large.

SHRI R. S. PANDEY: There was the practice of the Burmah Shell to enter into contracts of supply of crude oil with various companies. May I know at the time of taking over whether those contracts are availed of and crude supply is available?

SHRI K. D. MALAVIYA: No, Sir. I do not think that we have been tied up with any forward contracts so far as the Bharat Refineries are concerned. There was certain pattern of commitment between the companies which were owned by the Burmah Shell and the Burmah Shell refineries. All that we have done is that we have left the option open. It does not create any obligation on our part to purchase crude from them. We can purchase from wherever we like.

Suggestions made by Commissioner of Railway Safety for Quick Payment of compensation

*33 **SHRI N. K. SANGHI:** Will the Minister of RAILWAYS be pleased to state:

(a) whether the Railways had asked the Commissioner of Railways Safety to suggest ways which would help the railway authorities to pay compensation more quickly than at present;

(b) if so, the present experience of the railway authorities and the impediments coming in their way of quick disbursement of compensation money; and

(c) what are the suggestions of the Commissioner?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) No, Sir

(b) and (c) Do not arise

SHRI N. K. SANGHI: May I know instead of appointing the Claims Officer whenever an accident takes place

is there any proposal to appoint a permanent Claims Officer to obviate delays and also in view of the large number of railway accidents taking place?

SHRI MOHD. SHAFI QURESHI: We have appointed judicial officer as claims officer because the incumbent of this post has to go down minutely into the claims of claimants.

SHRI N. K. SANGHI: May I know how many claims are pending with the railways since they have increased the compensation from Rs. 30,000 to Rs. 50,000. Secondly, what is the position regarding claims in regard to Matunga-Sion accident which took place on the 12th February?

SHRI MOHD. SHAFI QURESHI: Sir, I do not have these details with me at the present moment. I will supply the information separately.

Expansion of Drug Industry in Public Sector

†

*34 **SHRI AJIT KUMAR SAHA:**
SHRI D. D. DESAI:

Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government are having any proposal to expand the public sector Drug Industry; and

(b) if so, the broad features thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI): (a) and (b) The expansion of the public sector drug units on the basis

of the feasibility reports envisage the following:—

Indian Drugs and Pharmaceuticals Limited

- (i) Expansion of the Synthetic Drugs Plant, Hyderabad, involving an investment of Rs. 21.79 crores which would increase the production capacity from 1988 tonnes to 3886 tonnes.
- (ii) Establishment of a Nicotinamide Plant in Bihar involving an estimated capital outlay of Rs. 8.58 crores.
- (iii) Establishment of a New Formulation Unit in Gurgaon Haryana at an estimated capital outlay of Rs. 8.10 crores.
- (iv) Expansion of the Antibiotics Plant, Rishikesh, involving an approximate investment of Rs. 15.69 crores.

MR. SPEAKER: Is it a long statement?

SHRI C. P. MAJHI: Yes.

MR. SPEAKER: The rest of it may be laid on the Table.

SHRI K. S. CHAVDA: How can we put supplementaries then?

MR. SPEAKER: I appreciate it. But it is a long statement. It should have been laid on the Table.

Rest of the Statement

Hindustan Antibiotics Limited

- (i) Expansion of the capacity of Penicillin Plant involving an estimated capital outlay of Rs. 2.92 crores.
- (ii) Expansion of the Streptomycin Plant at an estimated cost of Rs. 2.91 crores.

(iii) Expansion of Semi-Synthetic Penicillin Plant at an estimated cost of Rs. 1.67 crores.

(iv) Establishment of Erythromycin plant at an estimated cost of Rs. 4.16 crores.

(v) Establishment of New Formulation plant at an estimated cost of Rs. 4.46 crores.

SHRI AJIT KUMAR SAHA: Is it a fact that the multi national corporations in the drug industry are having the monopoly of certain major drugs? If so, what steps do Government propose to take to see that their hold on our drug industry is reduced?

SHRI C. P. MAJHI: We are giving the public sector drug industry a leadership role. Of course, the drug industry in India has historically developed and there are certain drugs which are actually manufactured by private sector drug factories.

SHRI AJIT KUMAR SAHA: asked about major drugs.

SHRI C. P. MAJHI: Unless these major drugs are identified, I cannot say with certainty if their manufacture is controlled by foreign multinationals.

SHRI DINEN BHATTACHARYYA: The Hathi Committee Report is there.

SHRI AJIT KUMAR SAHA: My question is not yet answered. Anyway I will put my second supplementary. Are Government considering a proposal to expand the public sector by taking over the foreign drug companies so that the high rate of profit earned by these companies can be diverted to the public sector?

SHRI C. P. MAJHI: We have not contemplated to nationalise the multinational companies so far. We are at

present' expanding the public sector drug industry; slowly the public sector drug industry will be given a leadership role.

SHRI DINEN BHATTACHARYYA: The question is regarding takeover of the foreign monopolies.

SHRI C. P. MAJHI: As I said, we have not taken a decision to take over the multi-national companies.

SHRI K. S. CHAVDA: A letter of intent for the production of doxycyclene 5-tonne capacity has been given to IDPL. A letter of intent has also been given to one Indian firm for production of doxycyclene 2.5-tonne capacity. Our country is just self-sufficient in antibiotics. In the drug industry, if a lead is established, it is impossible to come up and compete with the leader. Keeping this in mind will the Minister assure the House that licence for doxycycline will not be given to any foreign multi-national?

SHRI C. P. MAJHI: We shall take the suggestion of the hon. member into consideration.

SHRIMATI PARVATHI KRISHNAN: I have not had an opportunity to go through the statement. But I would like to know how far the plan of expansion the Government is undertaking will help to meet the shortage of essential drugs that is there in the country. It is not only a question of antibiotics, but throughout the country there is a shortage of essential, life-saving drugs, and it is these multi-national corporations which are holding the country at bay by sending these drugs underground.

SHRI C. P. MAJHI: This particular question does not relate to the main question asked.

SHRIMATI PARVATHI KRISHNAN: No, Sir. I seek your protec-

tion. I want to know whether the expansion has taken this into consideration. How is it not relevant?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): May I be permitted to make an attempt to clarify the situation so far as the hon. member's question is concerned?

It is a fact that here and there are scarcities of essential drugs, not always but sometimes. *... (Interruptions)* When I say this I say this with a sense of responsibility. This pattern of scarcity of essential drugs is, I am afraid, likely to continue because of various factors which govern the entire production pattern of essential drugs. It has a historical background also. It is also a fact that we are trying to get the source of bulk drugs increased; we are increasing our research and developmental activities. It will take some time. Within a short time, as the hon. Member demands from us, I am afraid all the problems cannot be solved.

SHRI CHINTAMANI PANIGRAHI: May I know from the hon. Minister whether it has been decided to set up a unit of the IDPL in Orissa and if so when will it be taken up?

SHRI C. P. MAJHI: There is no such proposal.

DR. RANEN SEN: A little while ago the hon. Minister stated how the public sector is being boosted and how production in Rishikesh will be increased. May I know whether a small firm was taken over about four years ago in Calcutta, Smith Stanistreet and if so whether they contemplate nationalising the whole enterprise instead of simply taking over the management and sitting over it? Is there any programme to do so?

SHRI C. P. MAJHI: At present we have no such programme; we have given some loans.

Proposal to Amend Special Marriages Act

*36. SHRIMATI PARVATHI KRISHNAN. Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state whether Government propose to amend the Special Marriages Act in order to make registration of marriage compulsory under the law?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H R GOKHALE) Even now all marriages solemnised under the Special Marriage Act have to be entered in the Marriage Certificate Book kept for the purpose

SHRIMATI PARVATHI KRISHNAN May I know whether registration is compulsory and whether Government is now examining or considering extension of compulsory registration of marriages in implementation of the convention that was adopted by the United Nations round about 1962?

SHRI H R GOKHALE The question related to Special Marriage Act

SHRIMATI PARVATHI KRISHNAN It was rewarded by the department like that

SHRI H R GOKHALE Probably the hon Member has in mind registration of marriages under the Hindu Marriages Act. If that is Special Marriages Act it is ordinarily registered. It is registered marriage. So far as the Hindu Marriages Act is concerned, we are considering several changes in that Act including the question of compulsory registration. But even under Section 8 of the existing Act there is provision the State governments can do it. Most of the state governments have not done it. I must say. We are considering that question and many other major changes relating to divorce etc are under examination. I do hope that very soon we

will be able to bring a measure before Parliament to implement substantially the recommendations of the Law Commission and of the Committee on the status of women

श्री विष्णुकि शिखर. हिन्दू मैरिज एक्ट में मशौघनो का तथा बहूज का जहाँ तक सम्बन्ध है विभिन्न सरकारा ने विभिन्न सीमाएँ निश्चित की है। मैंने सुना है कि उत्तर प्रदेश में पाच हजार तक खर्च किया जा सकता है। बिहार में यह कहा गया है कि दो हजार तक खर्च किया जा सकता है। उसमें एक बाल और लिवी गई है। शरियत के अनुसार जा राम होगा उगम उसको पक्का नहीं जाएगा। शरियत के अन्तर्गत हिन्दू अगर शादो करता है ता एक वरम पहले और एक रज्ज बाद एक हार्ट भी अपनी लडकी का किसी तरह की चीज देना है ता उसको पक्का जा सकता है। मैं जानना चाहता हूँ कि क्या मंत्री महादय त्रिवार कर रहे हैं कि बार्द आल इडिया एक्ट ऐसा बनाया जाए जा सब पर समान रूप से लागू है। और किसी के साथ किसी प्रकार का भेदभाव न हो ?

SHRI H R GOKHALE The hon Member seems to have mainly in mind the question of dowry and expenses in marriage which is really not directly connected with the Hindu Marriage Act

AN HON MEMBER It is connected

SHRI H R GOKHALE I will give an answer to that. It is true that various States are undertaking legislation in respect of dowry and expenses in marriage. I entirely agree with the hon Member that we should have uniform legislation. We are considering at the Central level a legislation relating to dowry and marriage expenses

SHRIMATI PARVATHI KRISHNAN: The hon. Minister has said that a uniform legislation is being considered in this regard. But I would like to know whether the Government is taking steps to consult the State Governments and request them to issue the rules at least making it compulsory as far as the Hindu Marriage Act is concerned.

SHRI H. R. GOKHALE: As I said, under the existing law, it relates to the State Government. But when we are considering the whole question, it may be that the State Governments will not be concerned but it may be the concern of the Centre and the Central Act will provide for such legislation. Meanwhile we are constantly in touch with the State Governments and we are reminding them that it is their responsibility to frame the necessary rules. As I mentioned earlier, most of them have not framed the rules.

SHRI K. GOPAL: The hon. Minister has said that under the Hindu Marriage Act, registration is not compulsory. But some of those who have gone abroad with their wives, either for higher studies or for employment, have got themselves married for the second time. Some four years ago, a man who had gone abroad married for the second time. Under the Hindu Marriage Act, is it allowed?

SHRI H. R. GOKHALE: First of all the confusion is this. The registration has by itself nothing to do with the validity of the marriage. Even where registration is compulsory and registration is not done, it means that it involves penalty on the person who fails to register the marriage. But in this particular case, I do not know what should be done. Now, all this will be taken care of under the proposed legislation on which we are working.

Reduction in the Prices of Life Saving Drugs

*37. **SHRI RAGHUNANDAN LAL BHATIA:** Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether any final decision has been taken about reduction in the prices of some of the essential life saving drugs; and

(b) if so, salient features thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI): (a) and (b). A statement is laid on the Table of the House.

[Placed in Library. See No. LT-10338, 76].

SHRI RAGHUNANDAN LAL BHATIA: Sir, most of the drugs are produced by the big monopoly houses and they are charging very high prices for the drugs they produce. Keeping in view the 20-point programme, whether the Government has taken steps for the supply of the essential life saving drugs to the weaker sections of the society? If so, whether the Government is considering reduction in the prices of the life saving drugs?

SHRI C. P. MAJHI: Sir, the Bhatia Committee has given its recommendations and Government has been considering the implications of the recommendations in so far as the reduction in the prices of the drugs is concerned. As a matter of fact certain items have been taken into consideration and prices of some medicines have been reduced. But the matter is still engaging the attention of the Government and the Ministry is considering as to how far the prices could be reduced.

SHRI RAGHUNANDAN LAL BHATIA: May I know from the Government whether it is considering the question of setting up a National Drug Authority to look into this pro-

blem? What are the main recommendations of the Hathi Committee and which of the recommendations Government has accepted?

SHRI C P MAJHI As I said, this matter is still engaging the attention of the ministry and the ministry is shortly to take a decision on the recommendations. The setting up of a national drug authority is also under consideration.

SHRI BISHWANATH ROY In view of the fact that the life-saving drugs are costly for the common man, is there any proposal under the consideration of government to produce them in the public sector?

SHRI C P MAJHI Yes Sir

SHRI PRIYA RANJAN DAS MUNSI May I know whether it is a fact that immediately after the declaration of emergency the multi-national companies increased the basic prices of life-saving drugs without the knowledge of the government and also whether it is a fact that when this came to the knowledge of the government they could not prevent it? Is it also a fact that whatever proportion of these drugs they were producing before the emergency they did not do it after the emergency?

SHRI C P MAJHI We did not come across increase of prices by multi-national companies. But the government is always keeping a watch actively. As a matter of fact there is statutory control on drug prices and whenever such things happen we take note of those things and do the needful.

SHRI M RAM GOPAL REDDY The longevity in the nation has gone up from 27 to 54 years. On account of the reduction in the prices of life-saving drugs is it likely to go up to 60 years and if so, what will be its effect on population?

SHRI C. P. MAJHI: We very much hope so.

DR RANEN SEN. Is the government aware of the fact that by and large the products of multi-national companies are costlier than the comparable products of Indian firms? If so may I know why the government is taking nearly a year to take a decision on reduction of prices? The Hathi Committee submitted its report on 8th April last year and today we are on 9th March. Still the government is considering the report? May I know why at least the foreign companies who are taking more money from the Indian people are not taken to task and forced to reduce their prices?

SHRI C P MAJHI The Hathi Committee's recommendations have far-reaching significance and the government is aware of all those complications. The Government are seized of the problem and we hope that the multi-national companies which have been monopolising certain drugs will be controlled after our public sector undertakings take up the leadership. We hope things will become easier then.

New Fuel Supply System

*38 **SHRI P GANGADEB-
SHRIMATI ROZA DESH
PANDE.**

Will the Minister of PETROLEUM be pleased to state

(a) whether his Ministry is considering a new fuel supply system, and

(b) if so, broad features thereof?

THE MINISTER OF PETROLEUM (SHRI K D MALAVIYA) (a) and (b) To cater to the special needs of the agricultural sector, the Indian Oil Corporation have been setting up farm fuel centres in the rural areas.

where, in addition to sale of petrol, kerosene, diesel oils and lubricating oils, minor repair facilities for tractors and other agricultural machinery were also provided, along with sale of spare parts, pesticides, fertilizers, etc. This programme has now been taken up by the other public sector companies also. In addition, all the public sector companies are now converting a large number of their retail outlets in the rural and semi-urban areas into multi-purpose rural distribution centres where apart from the various petroleum products other commodities and services required by the rural population like tyres and tubes for cycles, controlled cloth, textiles, common household drugs, vanaspathi and cooking oil (in sealed tins), seeds and fertilizers etc., would also be sold. Upto January 1976, 114 such centres have been set up in different parts of the country. More such centres continue to be opened by all public sector marketing companies.

SHRI P. GANGADEB: In view of the fact that there will be fuel shortage for some years to come, and the full-price, today, is very high in this country, I would like to know from the hon. Minister whether any experiments are being conducted—as being done in other countries—in evolving a new fuel supply system which will be cheaper as well as equally efficient to help all concerned—from farmers up to industrialists—to maintain production in this country; if so, may we know whether Government have been striving in this direction and as to what are the steps taken?

SHRI K. D. MALAVIYA: Does the hon. Member refer to fuel?

MR. SPEAKER: He means a system which will concern both farmers and industrialists.

SHRI K. D. MALAVIYA: This is not relevant. Anyway, although Government is always engaged and has

been carrying on research and development in order to find out alternative sources of fuel, this question is not relevant.

SHRI P. GANGADEB: My second question is this. The original answer states that the Indian Oil Corporation has been setting up farm fuel centres in the rural areas; and this programme has also been taken up by other public sector companies. Therefore, may I know how many such centres have been set up in this country; and what is the response from the public to these centres?

SHRI K. D. MALAVIYA: These farm fuel centres are now being encouraged by the Government. The original diesel oil, petroleum product centres are now being modified or converted into such farm fuel centres, to include more commodities that should be made available to the rural sector at a reasonable price or at some reduced price. There are, as I have already indicated, 114 such centres already established, out of 11 thousand—odd centres which already exist in the country; and more and more are likely to be converted into such farm fuel centres.

SHRI AMRIT NAHATA: Fuel includes domestic fuel also. May I know from the hon. Minister whether he is aware that in the desert areas of our country, in the drought-prone areas of our country, there is no fuel available? They are far away from coal. The only source of fuel in these areas is wood, that means the denudation of forests; and that means further creation and escalation of deserts. Would the Minister assure the House that in drought-prone areas, domestic gas will be given top priority and in all the towns and cities of the desert areas, domestic gas would be supplied liberally, so as to preserve the natural vegetation there?

SHRI K. D. MALAVIYA: Firstly, I could say that this is a suggestion for

action, which I could avoid answering; but I would not like to do it. There are obvious difficulties in giving any assurance with regard to the supply of LPG in the far remote areas of the desert. It is a costly fuel. It is difficult to reach there. Well, so far as the crude oil availability is concerned, it is a costly fuel, because the more LPG distribution that we encourage, the more crude oil we will have to import. LPG come out of crude. And we have less crude. Therefore, we cannot unfortunately encourage the distribution of LPG. Therefore, something else has to be done. We are also considering the distribution of cheap kerosene chulhas in such areas, and within the next few weeks or months we shall be able to supply such kerosene Chulhas to the areas which have been referred to by the hon. Member.

SHRI R. S. PANDEY: I am sure the Minister will agree with me that there is a good demand for cooking gas in the rural areas. Taking that demand into consideration, how are you going to meet that demand?

SHRI K. D. MALAVIYA: We are trying to do our best. When the Bombay High gas comes, we shall try to convert it into LPG.

Takeover of Arrah-Sasaram Light Railway

***39. SHRI SAMAR MUKHERJEE:**
SHRI RAMAVATAR SHASTRI:

Will the Minister of RAILWAYS be pleased to state:

(a) whether Government have decided to take over the Martin Light Railway of Arrah-Sasaram as per assurance given to the Union leaders earlier; and

(b) the salient features thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS

(SHRI MOHD. SHAFI QURESHI):

(a) No, Sir.

(b) Does not arise.

SHRI SAMAR MUKHERJEE: The Minister knows the conditions of the Martin Light Railway of Arrah-Sasaram. Several times this issue has been brought to his notice, not only by me personally but also by the leaders of the trade unions. It has also been raised on the floor of the House. The Ministers has stated repeatedly, and recently in a letter to me, that they will see to it that the railways is running and it is not stopped. He told me that if the company fails to run the railways, the Government will take it over. But that is now denied by Shri Qureshi. Our hon. Speaker comes from that area and he knows the whole position. Is it not the position that ultimately you will have to take over this railways, because there is not the slightest possibility that the Company would be able to run it for a long time? The employees are not being paid their dues and there has been stoppage of running of trains. The running of trains has been disrupted several times. I have made several representations in the matter, as also the trade unions. The State Government of Bihar have also requested the Railway Ministry to take it over. In view of the fact that several representations have been made to the Ministry for taking it over, if the Railway Ministry have not already decided to take it over, will they consider taking it over, as early as possible, and thus enable the railways to be run efficiently and save the misery of the employees?

SHRI MOHD. SHAFI QURESHI: As the hon. Member knows, this Company is working under an agreement with the District Board of Sasaram. When they were having terrific financial difficulties, the Central Government came to the rescue of this particular railway Company. In December 1974, for instance, a notice was

given by this Company to close the railways altogether. At that time, the matter was raised by some hon. Members and it was brought to the notice of the Railway Ministry. Immediately, we paid this Company Rs 25 lakhs as advance to tide over the initial difficulties. Subsequently, we found that this Company has not paid even contributions to the provident fund regularly. But there is another aspect to this problem. A large number of permits were issued by the State Government on this particular route, which has made this line uneconomic. That is why it is losing on its operations. The Company was unable to pay Salaries and Wages to its Staff for December '75 and January '76 and the Staff stopped operation of services from 6/7-2/76. We found that a subsidy of Rs 361 lakhs was due to the Company from us. We immediately paid that money so that the Company would be in a position to meet the demands of the staff. The Company has issued notice to the staff on the 27th February 1976 to resume duty and to receive their salaries for December 1975 and January, 1976. The working of this Company has been reviewed again by the Ministry and we have taken a decision that in order to bring it back to normal health, we should permit the company to raise its overdraft limit with its banker, from Rs 5 lakhs to Rs 10 lakhs. That would give them considerable leeway to meet the demands of the staff. We have taken another decision that the subsidy which is to be paid to the Company should be paid at more frequent intervals, so that the Company can meet its commitments. The Company in their Budget Estimate for 75-76 made a provision for renewals and replacements at a cost of Rs 2 lakhs and this expenditure has been approved by the Ministry of Railways. We hope with these measures this Company will be able to improve its financial position and also operational efficiency.

SHRI SAMAR MUKHERJEE These things he has stated repeatedly, but

we think that there is no hope of reviving it simply with this kind of aid. That is why taking over is very important and urgent. My question is why you are refusing to take over. Is it only because it is not running at a profit? Please give a direct reply to this.

SHRI MOHD. SHAFI QURESHI: That is also a point, but the basic fact is that this company is running under an agreement with the District Board. The District Board has the option to renew the agreement every seven years or terminate it. In 1972 this option was available, but they did not exercise it. Now that the Central Government has stepped in, all these matters would be considered as to what would be the condition for taking over, its economic and operational liability etc. We will have to consult the State Government also because, as I have already said, this route has to be made economically viable and it can be done provided the rolling stock and operational efficiency are improved and also the number of bus route permits issued by the State Government are curtailed. If there is a parallel road running and large traffic is diverted to it, this company cannot be economically viable.

SHRI SAMAR MUKHERJEE After seeing their performance for some time will you reconsider it? If their performance is not satisfactory, will you think in terms of taking over?

SHRI MOHD. SHAFI QURESHI: We will consider after these new methods have been adopted.

श्री डॉ० एन० तिवारी : सरकार चाहे कितना भी प्रयत्न करे, कम्पनी का बर्तन इम्प्रूव नहीं होने वाला है। ग.डि.वा चलाने वा उद्द्य है कि यात्रियों को सुविधा हो। वहा गाडी इतनी धीमी चलती है कि पैदल चलने वाला भी उससे आगे निकल जाता है, साइकिल और टमटम की बात है। कहे।

लोग जहाँ चाहें उतर जाते हैं और फिर चढ़ जाते हैं। अगर सरकार ने इस रेलवे को चलवाना है, तो वह ठीक से चलवाये, वर्ना इसको बन्द कर दे। वर्तमान स्थिति में मुसाफिरो को तकलीफ होती है, कम्पनी को लास होता है और सरकार की सबसिडी भी बढ़ती जाती है। सरकार जितनी सबसिडी दे रही है, उससे कुछ अधिक खपत देकर वह इस रेलवे को टेक ओवर कर सकती है। यह स्पष्ट बात है कि जब यह रेलवे सरकार के अडर आ जायेगी, तो वह इम्प्रूव करेगी। मंत्री महोदय ने कहा है कि रेलवे लाइन के पैरेलल रोड है वहाँ पर चलने वाली बसों को बहुत से परमिट दिए गए हैं और इस कारण रेलवे को घाटा होता है। वह गलत बात है। वास्तव में कम्पनी का प्रबन्ध खराब होने के कारण उसको घाटा होता है। इसलिए यह जरूरी है कि सरकार इस रेलवे को टेक ओवर कर ल, अन्यथा यही स्थिति जारी रहेगी, यात्रियों को तकलीफ हागी और कम्पनी को घाटा होगा।

श्री मुहम्मद हाकी कुरैसी : इस रेलवे से यात्रियों को दो किस्म की सुविधायें हासिल हैं। जैसा कि कहा गया है, एक तो गाड़ी की कम रफ्तारी की वजह से वे जब चाहे चढ़-उतर जाते हैं और दूसरे, वे बिना टिकट स्फुर कर रहे हैं। इस वजह से कम्पनी को नुकसान हो रहा है। ये तमाम बाने देखनी पड़ेगी और उसके बाद यह फैसला किया जायेगा कि गवर्नमेंट उसको टेक ओवर करे या नहीं।

Seismic Survey for Oil Exploration under Deeper Continental Shelf

*21 SHRI B S BHAURA

SHRI C JANARDHANAN

Will the Minister of PETROLEUM be pleased to state

(a) whether the Seismic Survey for offshore oil exploration under the

Deeper Continental Shelf project has been completed;

(b) if so, the broad features and results thereof, and

(c) what further action has been taken thereon?

THE MINISTER OF PETROLEUM (SHRI K D MALAVIYA) (a) Yes, Sir.

(b) The data collected in these surveys are presently being processed. The results will be known only after the data are processed and interpreted.

(c) Depending upon the results of these surveys exploratory drilling is planned to be taken up in the Deeper Continental Shelf area during this year.

श्री भान सिंह भीरा : मैं मंत्री महोदय से जानना चाहता हूँ कि यह कब तक पता चलेगा? आपने कोई टाइम निर्धारित किया है कि कब तक हम डेटा का पता चल जायगा।

श्री के०डी० मालवीय : हमने और ज्यादा तेजी नो बड़ा मुश्किल है। यह एरिया जो इनती दूर है, बम्बई से करीब डेढ़ सौ पीने दा सौ किलोमीटर दूर वहाँ पर एक प्रलपसगठन बना कर सैस्मिक सर्वे वगैरह का काम और उसका इंटर-प्रिटेगन किया जा रहा है। उस में समय लगता है। ऐसे ही दस पांच करोड़ रुपये खर्च करना मुनासिब नहीं है। इसीलिये मैंने कहा इस साल के अन्त तक इस एरिया में एक बड़े क्षेत्र के अन्दर हम खुदाई कर लेंगे।

WRITTEN ANSWERS TO QUESTIONS

अशोधित तेल तथा वैसे के आयात के लिए
अलजीरिया के साथ समझौता

22. श्री हरी सिंह :

श्री सी० के० चन्द्रपणन :

क्या पेट्रोलियम मंत्री यह बनाने की कृपा करेंगे कि

(क) क्या सरकार ने अलजीरिया के साथ अशोधित तेल तथा तरल गैस का आयात करने के बारे में हाल ही में कोई समझौता किया है, और

(ख) यदि हाँ, तो अशोधित तेल किन शर्तों पर आयात किया जाएगा ?

पेट्रोलियम मंत्री (श्री के० डी० मालवीय) . (क) और (ख) भारत और अलजीरिया के साथ 10-2-76 को हुए व्यापारिक समझौते के अन्तर्गत कच्चे तेल और पेट्रोलियम उत्पाद ही ऐसे दो पदार्थ हैं जिनका भारत द्वारा आयात करना उपयुक्त समझा गया ।

Hill Stations for Railway Concession

*23. SHRI PARIPOORNANAND PAINULI: Will the Minister of RAILWAYS be pleased to state:

(a) what is the criteria fixed for identifying a hill station for issuing railway concession tickets;

(b) whether the pilgrim centres in the hills have been included in the list of such hill stations; and

(c) whether the proposal for including Haridwar, Rishikesh and Kotdwar in the said list has been implemented?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI: (a) The

following criteria has so far been adopted for identifying a particular station as a hill station for the purpose of issuing railway concession tickets:—

(i) that the station is of sufficient tourist importance and has been identified as such by the concerned State Government.

(ii) that the Station is such that the non-tourist traffic is not large and concessional return tickets would be commercially viable for the Railways.

(b) No Sir.

(c) The question of extending the hill station concession to Haridwar, Rishikesh and Kotdwar is under consideration and a decision will be taken in the light of the criteria laid down for the purpose.

Sale of Drugs imported by S.T.C.

*24 SHRI BHALJIBHAI PARMAR: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) what was the policy for the allocation and supply of Methyl Dopa to private sector companies through State Trading Corporation during 1975;

(b) whether Methyl Dopa specifically imported by State Trading Corporation was not being offered to the parties at the existing prices fixed under the Drugs Price Control Order; and

(c) what action Government propose to take to avoid preferential procurement prices of various drugs and pharmaceutical items imported by State Trading Corporation vis-a-vis when they are imported by the parties themselves?

**THE DEPUTY MINISTER IN THE
MINISTRY OF CHEMICALS AND
FERTILIZERS (SHRI C. P. MAJHI):**

(a) DGTD units are released all canalised items including Methyl Dopa to the extent of the consumption during any of the last two years of the quantity recommended by the State Drug Controller whichever is less. Depending upon the licensed capacity, higher releases are recommended in merits of each case.

During the year 1975-76, following units including small scale units were recommended release of Methyl Dopa:

	Tonnes
1 M/s. IDPL	5
2 M/s. Merck Sharp & Dohme	2
3 Dey's Medical Stores	2
4 Thermo	2
5 Suneeta Labs	2
6 Gujarat Pharmaceuticals	200 kg.
7 M/s. Jagsonpal & Co.	200 kg
8 M/s. Unique Chemicals	200 kg
9 M/s. Cila Labs	200 kg

M/s. Suneeta, however, intimated that they are surveying the market and will intimate whether they are interested in the release of Methyl Dopa or not in due course.

(b) Allocation orders have been issued for release of Methyl Dopa at the approved price of Rs. 975 per kg ex-

godown as under:

Name of the Party	Allocation order date	Quantity
		Kg
1 M/s. IDPL New Delhi	21-2-76	1000
2 M/s. Thermo Chemicals, Vapi, Gujarat	"	2000
3 M/s. Dey's Medical Stores, Calcutta	"	1000
4 M/s. Gujarat Pharmaceuticals, Ahmedabad	"	200
5 M/s. Jagson & Co., Faridabad	"	200
6 M/s. Unique Chemicals, Bombay	"	200
7 M/s. Cila Laboratories Pvt Ltd Ahmedabad		200
	TOTAL	4800
The following quantities had been released earlier		
		Kg
1 M/s. Merck Sharp & Dohme, Bombay	May 1975	2000
2 M/s. IDPL, New Delhi	Various all cation Orders	4500
		11,300

(c) STC floats tenders to cover their purchase programme in accordance with the Imopri Plan fixed for the year. The decision to buy from a particular source/sources is taken by the management of the STC based on their commercial judgement. The canalised drugs are sold by the STC/IDPL at

prices fixed by the Government under the provisions of Drugs (Prices Control) Order, 1970.

Introduction of Direct Train between Jammu-Kashmir and Kerala

*26. SHRI A. K. GOPALAN: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government are considering to introduce a direct train connecting Jammu-Kashmir and Kerala; and

(b) if so, the salient features thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) No, Sir.

(b) Does not arise.

Loss incurred by Plants of Fertilizer Corporation of India

*27. SHRI MOHINDER SINGH GILL:

SHRI Y. ESWARA REDDY:

Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state-

(a) whether the six plants of the Fertilizer Corporation of India are expected to incur an overall loss of Rs. 2 crores during 1975-76 as against some profits last year;

(b) if so, the reasons therefor; and

(c) the measures being taken to check such reverses?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI):

(a) to (c). Despite an improvement in the production, the overall loss of the Corporation during 1975-76 is estimate at Rs. 20.97 crores. Of the six operating units of the Corporation, five will

be incurring loss. The main reasons for the losses are increase in the cost of inputs like naphtha, fuel oil, coal, sulphur, electricity etc. and increase in the fixed cost like salaries and wages and repairs and maintenance. Reduction in the price of methanol and in NPK fertilizer also contributed to the loss. Government have set up a Committee to study the present basis for pricing of fertilizers and recommend a pricing policy that would ensure a fair return on investment on a sustained basis.

Equitable Distribution of New Wagon Orders

*28. SHRI M. KALYANASUNDARAM: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government have decided to distribute equitably the new wagon orders; and

(b) if so, the salient features thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Yes, Sir.

(b) Offers for placement of additional orders for 15,555 wagons (in terms of four wheelers) have been made to the 10 active units in the wagon building industry, in an equitable manner so that backlog plus additional orders will give a uniform load for about three years to all units based on their anticipated production.

Construction of Sakri-Hasanpur New Railway Line

*35. SHRI RAM BHAGAT PASWAN: Will the Minister of RAILWAYS be pleased to state:

(a) whether a sum of Rs. 5 crores had been included or sanctioned in the budget for 1975-76 for the construction of Sakri-Hasanpur new railway line;

(b) whether the earth work thereon was formally started in February, 1974,

(c) the reasons why this work was stopped immediately after the death of former Railway Minister, and

(d) whether Government propose to get the work restarted soon?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH) (a) to (d) The construction Sakri-Hasanpur new Railway line was included in the Budget for 1974-75 at an estimated cost of Rs 4.75 crores. This was inaugurated by the late Shri L. N. Mishra, the then Railway Minister. A symbolic start was also made on the earthwork immediately after the inauguration which could not be continued in the absence of the acceptance of the State Government of Bihar to bear the cost of land and earthwork amounting to Rs 1.18 crores. Construction work will be taken up as soon as the acceptance of the Bihar Government is received.

Abolition of Dining Cars in Railways

*40 SHRIMATI BHARGAVI THAN KAPPAN Will the Minister of RAILWAYS be pleased to state

(a) whether Government have decided to abolish all the existing dining cars in the Railways, and

(b) if so, the facts thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI) (a) No, Sir

(b) Does not arise

SC/ST employees in Northern Railway

123 SHRI VIRBHADRA SINGH Will the Minister of RAILWAYS be pleased to state what is the percentage of Scheduled Castes and Scheduled Tribes employees in the Northern Railway?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH) The number of Scheduled Castes and Scheduled Tribes and their percentage to the total strength as on 30.9.1975 on the Northern Railway is given below

Class of service	Total number of employees	Scheduled Castes		Scheduled Tribes	
		No	%	No	%
I	363	18	4.9		
II	661	25	3.8		
III	81573	8467	10.4	45	0.06
IV (excluding Safaiwalas)	105727	22606	21.4	813	0.8
IV (Safaiwalas)	12778	11680	91.4		

Summary Trial of Economic Offenders

124. SHRI SHASHI BHUSHAN Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state—

(a) whether in point No 12 of the 20-Point Programme of the Prime Minister there is a mention of "summary trials" for deterrent punishment to economic offenders;

(b) whether special laws have since been enacted in this regard and special courts set up to deal with such cases; and

(c) if so, the particulars thereof?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H R GOKHALE) (a) Yes, Sir

(b) No, Sir

(c) Does not arise

समस्तीपुर डिबीजन में नैमित्तिक श्रमिकों की मजदूरी

125. श्री ज्ञानेश्वर प्रसाद यादव :
का। रेल मंत्री यह बतान की कृपा करेंगे कि:

(क) क्या बिहार राज्य में पूर्वोत्तर रेलवे के समस्तीपुर डिबीजन में नैमित्तिक श्रमिकों को न्यूनतम मजदूरी दी जा रही है,

(ख) यदि हा, तो प्रत्येक श्रमिक को दैनिक मजदूरी कितनी दी जानी है,

(ग) क्या सरकार को पता है कि समस्तीपुर डिबीजन के मुंगेर, बेगुसराय मानसी और धाना बिहपुर में काम करने वाले श्रमिकों को जिलाधीश द्वारा 20 सूत्री आर्थिक कार्यक्रम अंतर्गत निर्धारित की गई न्यूनतम मजदूरी नहीं दी जा रही है, और

(घ) यदि हा, तो जिलाधीश द्वारा निर्धारित की गई न्यूनतम मजदूरी वहां के श्रमिकों को दिलाने के लिए सरकार का क्या कार्यवाही करने का विचार है ?

रेल मंत्रालय में उपमंत्री (श्री बूटा सिंह)

(क) से (घ) : नीति यह है कि नैमित्तिक श्रमिकों को स्थानिय जिला मजिस्ट्रेटों द्वारा निर्धारित दरों पर मजदूरी दी जाये। सम्बन्धित जिला मजिस्ट्रेट द्वारा निश्चित दर के अनुसार 24-4-74 में मुंगेर, मानसी और धाना बिहपुर में नियुक्त नैमित्तिक श्रमिकों को 3 रु. 85 पैस प्रतिदिन की दर से आगरा बेगुसराय में काम करने वालों को 3 रु. 50 पैस की दर में मजदूर दी जा रही है। इन जिला मजिस्ट्रेटों में यह ज्ञात करने के लिए सम्पर्क किया गया है कि क्या उपर्युक्त दरों में कोई मशोखन किया जाना अपेक्षित है।

Oil drilling in West Bengal

126. SHRI SAMAR GUHA: Will the Minister of PETROLEUM be pleased to state

(a) whether favourable indications have been found in regard to on-shore and off-shore oil drilling in West Bengal and along its coast; and

(b) if so, facts thereof?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA). (a) Not so far, Sir.

(b) Does not arise

Take-over of Nangal Dam-Bhakra Dam Project Railway

127. PROF. NARAIN CHAND PARASHAR Will the Minister of RAILWAYS be pleased to state

(a) the decision taken by the Railway Administration regarding the take-over of the Nangal Dam-Bhakra Dam Project Railway, in view of the

bright prospects of goods traffic consequent upon the location of a newsprint factory at Neilla (near Bhakra Dam); and

(b) if no decision has been taken so far, the likely date by which the decision would be taken?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) The matter is being reviewed in the light of the proposal to set up a News Print Factory at Neilla. The Northern Railway has undertaken a detailed examination to assess traffic projections.

(b) The decision will be taken after the examination being carried out by Northern Railway is completed. No firm date can be given at this stage.

Collision between Mughal Sarai-Lucknow Passenger Train and Sultanpur-Varanasi Parcel Train

128. SARDAR SWARAN SINGH SOKHI: Will the Minister of RAILWAYS be pleased to state:

(a) whether the Mughal Sarai-Lucknow Passenger Train collided with Sultanpur-Varanasi Parcel Train near Zafrabad on 11th February, 1976;

(b) if so, the causes of accident;

(c) number of persons killed and injured; and

(d) compensation given to the victims and steps taken to prevent such accidents in future?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) Mughal Sarai-Lucknow Passenger train collided with 712 Down goods train and not Sultanpur-Varanasi Parcel train.

(b) The accident was due to failure of Railway staff.

(c) In this accident no one was killed or injured. However, 36 persons sustained minor abrasions, bruises etc.

(d) No claim for compensation has been paid and no claim has so far been received.

Safety Organisations set up on the Railways have been engaged in inculcating safety consciousness amongst the staff connected with the running of trains and in ensuring that the staff do not violate safety rules or indulge in short cut methods. Thorough inquiries are held into all accidents and appropriate remedial measures are taken to prevent recurrence of similar accidents. Technological improvements in the shape of improved signalling and interlocking, track circuiting, etc. have also been made to the extent feasible. Deterrent action is taken against defaulting staff.

मध्य प्रदेश में उर्वरक का उत्पादन

129. श्री भगीरथ भंडार : क्या रसायन और उर्वरक यह मंत्री बताने की कृपा करेंगे कि मध्य प्रदेश में कितने उर्वरक का उत्पादन होता है और वहां की आवश्यकता पूरी करने के लिए कितना कितना उर्वरक किन किन देशों से आयात किया जाता है ?

रसायन और उर्वरक मंत्रालय में उपमंत्री (श्री सी० पी० माहो) : अप्रैल 1975 से फरवरी 1976 की अवधि के दौरान मिनाई स्टील प्लांट द्वारा 5,000 मी० टन नाइट्रोजन का उत्पादन किया गया था और मध्य प्रदेश स्थित धर्मती मोरारजी कैमिकल कम्पनी कुमहारी द्वारा 3,400 मी० टन पी० 2 ओ० 5 की मात्रा का उत्पादन किया गया था ।

खरीफ 1975 और रबी 1975-76 के दौरान मध्य प्रदेश को आयातित उर्वरक के निम्नलिखित मात्रा आवंटित की गई थी .

	एम	मी	के
	(मी० टन मे)		
(क) खरीफ 1975 (फरवरी-जुलाई, 1975)	21,762	6,929	5,155
(ख) रबी 1975-76 (अगस्त 75-जानवरी 1976)	59,642	26,605	7,862
कुल	81,404	33,534	13,017

आयातित उर्वरक का आवंटन विभिन्न राज्यों को उनकी आवश्यकताओं और उर्वरक की कुल उपलब्धता के आधार पर किया जाता है। ऐसा आवंटन किसी देश अथवा जहाँ पर लादन के माध्यम से जहाँ नहीं है परन्तु केन्द्रीय उर्वरक सप्लाय के पास उपलब्ध कुल आयातित भंडार में से किया जाता है।

योजना के अन्तर्गत रतलाम में डीजल शॉड के विस्तार का 98 प्रतिशत काम पूरा हो चुका है। भारी मरम्मत खाड़ी में पार्श्व झिलमिलो लगाने का शेष काम हो रहा है और शीघ्र ही इसके पूरा होने की संभावना है। इस योजना का परिणाम 39.42 लाख रुपये है।

रतलाम में "डीजल शॉड" का विस्तार

मध्य प्रदेश के मालवा क्षेत्र में गाड़ियों की धीमी गति

130. डा० लक्ष्मी नारायण पांडेय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

131. श्री गंगा चरण ढोसल : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या पश्चिम रेलवे के रतलाम डिपोजिट में रतलाम स्टेशन पर 'डीजल शॉड' के विस्तार की योजना स्वीकार की जा चुकी है ;

(क) क्या मध्य प्रदेश के मालवा क्षेत्र में अधिकांश गाड़ियाँ धीमी गति से चलती हैं जिससे वहाँ समूचे क्षेत्र के यात्रियों और व्यापारियों को अनेक कठिनाइयाँ होती हैं और

(ख) इस प्रस्तावित विस्तार पर किननी धनराशि खर्च होगी, और

(ख) यदि हा, तो सरकार द्वारा क्या उपचारार्थक उपाय किये जा रहे हैं ?

(ग) विस्तार कार्य कब तक पूरा हो जायेगा ?

रेल मंत्रालय में उपमन्त्री (श्री बुढा सिंह) : (क) से (ग). अनुमोदित

रेल मंत्रालय में उपमन्त्री (श्री बुढा सिंह) : (क) और (ख). मालवा क्षेत्र

के बड़ी लाइन खंड में 'डोजल इंजनों' से खींची जा रही मेल / एक्सप्रेस गाड़िया अधिकतम अनुमेय रफ्तार में चलाई जा रही है। तथापि बड़ी और मीटर लाइन के कुछ खंडों में विपरीत डलान, रेलपथ की स्थिति, कर्षण के स्वरूप और गाड़ी भार आदि कारणों से गाड़ियों को निर्धारित रफ्तार कम रखनी पड़ती है। इसलिए इस समय इन गाड़ियों की रफ्तार बढ़ाना व्यावहारिक नहीं है।

Procurement of Rig "Shenandoah" for Bombay High

132 SHRI S R DAMANI Will the Minister of PETROLEUM be pleased to state

(a) the source from which the new rig "Shenandoah" was obtained for Bombay High;

(b) the terms and conditions agreed to;

(c) its operational capacity as compared to the other rigs already commissioned in the Bombay High and other offshore areas; and

(d) when will it commence operation?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA) (a) and (b) Shenandoah is a jack-up drilling rig charter-hired from M/s Atwood Oceanics Inc USA for a period of two years

(c) The rig can operate upto a water depth of 270 feet in Bombay High while Sagar Samrat, ONGC's own jack-up rig, is rated for 255 feet water depth 'Haakon Magnus' and 'Dalmahoy', are not jack up rigs but are floaters charter-hired by ONGC also for Bombay High operations and they can drill upto 600 feet of water depth.

(d) Shenandoah is expected to commence drilling operations in Bombay High from about middle of this month

जबलपुर उच्च न्यायालय में लम्बित पड़े मामले

133. श्री हुकम चन्द कछवाय : क्या विधि, न्याय और कम्पनी, कार्य मंत्री यह बताने की कृपा करेंगे कि

(क) जबलपुर उच्च न्यायालय में एक वर्ष से अधिक समय से कितने मामले लम्बित पड़े हैं, और

(ख) क्या उक्त उच्च न्यायालय में पांच वर्ष से अधिक समय से बड़ी संख्या में मामले लम्बित पड़े हैं और क्या केन्द्रीय सरकार का उच्च न्यायालय के एक निश्चित अवधि में शीघ्रता से मामले निपटाने के बारे में कोई निर्देश जारी करने का विचार है ?

विधि, न्याय और कम्पनी कार्य मंत्री (श्री एच० झार० गोखले) : (क) 31-12-1975 को उच्च न्यायालय में एक वर्ष से अधिक समय के 21087 मामले लम्बित थे।

(ख) 31-12-1975 को पांच वर्ष से अधिक समय के 3,772 मामले लम्बित थे। सरकार न्यायालय को कोई निर्देश नहीं दे सकती हैं। तथापि, राज्य प्राधिकारियों को सलाह दी गई है कि वे इस बात का ध्यान में रखते हुए कि उच्च न्यायालय में कितने मामले संस्थित किए गए हैं, कितने निपटाए गए हैं, और कितने मामलों को निपटाया जाना है समय समय पर न्यायाधीशों की संख्या का पुनर्विलोकन करके उसे पुनः नियत करें। उच्च न्यायालय के मुख्य न्यायाधीशपति लम्बित मामलों का निर्यामन रूप से पुनर्विलोकन करते रहते हैं तथा विशेष बैठकें गठित करके और ऐसे मामलों पर जिनमें समान विधि-प्रश्न घन्तबंशित होते हैं, एक साथ विचार करके मामलों का निपटारा शीघ्रता से किया जाता है।

Functioning of M/s. Abbot (I) Limited

134. SHRI SOMCHAND SOLANKI: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) what are the capacities indicated for Erythromycin products in M/s. Abbot (I) Limited COB application and what are the basic activities already incorporated by them for drugs in this country and what is the outgoing foreign exchange in their case for the last three years, year-wise, and

(b) their original equity, present equity, reserves and percentage of bulk drug activity in value as well as quantity?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI): (a) In the 'cob' licence application submitted by the party, the following capacities were asked for in respect of for mulations based on bulk Erythromycin—

No.	Name of formulations	Capacity applied for
1	Erythromycin 100 mg.	8 Million Tablets
2	Erythromycin 250 mg.	17 Million Tablets

At present no bulk drug is being manufactured by this company, though they hold a letter of intent for manufacture of 4 T pa of Erythromycin. Remittance of foreign exchange by them during the year 1973 amounted to Rs. 14.86 lakhs as dividend. Data relating to remittances made by them during the years 1974 and 1975 is being collected and will be laid on the Table of the House

(b) Data about original equity, present equity and reserves of this company has already been given in An-

nexure I to Chapter V of the report of Committee on Drugs and Pharmaceuticals Industry, a copy of which was laid on the Table of the House on 8-5-75. The firm is not manufacturing any bulk drug at present and hence its activities are only in regard to formulations.

Poor wagon utilisation

135. SHRI VASANT SATHE: Will the Minister of RAILWAYS be pleased to state:

(a) whether Railway finances have been hit due to poor wagon utilisation; and

(b) if so, the action taken in the matter?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) No.

(b) Does not arise

Medical facilities at important Railway Stations

136. SHRI RAM SAHAI PANDEY: Will the Minister of RAILWAYS be pleased to state.

(a) whether there is a proposal with Government to provide medical facilities at important Railway Stations; and

(b) if so, the salient features thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) No. However, First Aid Posts have been established at some important Railway Terminals

(b) Does not arise.

भारतीय उर्वरक निगम को नुकसान

137. श्री मूल चन्द डागा : क्या रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि

(क) क्या भारतीय उर्वरक निगम ने सेल्स मैनेजर मद्रास के कारण निगम को हुए लाखों रुपये के नुकसान के बारे में रिपोर्ट अप्रैल, 1974 में प्रस्तुत कर दी थी और यदि हा तो उस पर क्या कार्यवाही की गई है तथा दोषी पाए गए व्यक्तियों के विरुद्ध है क्या कार्यवाही की गई है और

(ख) भारतीय खाद्य निगम को इस कारण से कितना नुकसान हुआ है ?

रसायन और उर्वरक मंत्रालय में उप-मंत्री (श्री सी० पी० माहो) : (क) और (ख). सरकारी उद्यम पर समिति (1973-74) ने अपनी 50वीं रिपोर्ट में एक मामले के बारे में बताया था जिसमें भारतीय उर्वरक निगम के मद्रास क्षेत्र के कार्यालय के बिक्री प्रबन्धक ने निगम के एक डीलर को अगली तिथि के एक बैंक के माध्यम से ऋण दिया था तथा सिफारिश की थी कि समस्त कार्य की जांच की जाय। तदनुसार भारतीय उर्वरक निगम ने मामले की जांच के लिए एक समिति की नियुक्ति की। समिति ने पाया कि पार्टी का लेखा पूर्ण रूप से तय कर दिया गया तथा उन पर कुछ बकाया नहीं रहा तथा अगली तिथि के बैंक के माध्यम से ऋण देने के सम्बन्ध में बिक्री प्रबन्धक के अपने अधिकारों का अतिक्रमण किया यद्यपि इस कार्य के पीछे कोई भ्रष्टाचार की भी भावना नहीं थी।

समिति के निष्कर्षों के सदर्भ में इस मामले में कोई भ्रष्टाचार का मामला जोड़ने की आवश्यकता नहीं है तथा अधिकारी

द्वारा प्रस्तुत किये गये स्पष्टीकरण पर विचार रखते हुए सक्षम अधिकारी द्वारा यह निश्चय किया गया कि एक चेतावनी पत्र जारी करना पर्याप्त होगा। तदनुसार अधिकारी को एक चेतावनी पत्र जारी किया गया।

Expansion of Foreign Consultancy Services

138 SHRI CHANDRA SHEKHAR SINGH Will the Minister of RAILWAYS be pleased to state:

(a) whether Government have decided to expand foreign consultancy services of Indian Railways, and

(b) if so, the main features and objectives thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH) (a) and (b) During the last decade the developing countries have been showing a growing preference for Indian Consultancy in the sphere of railway technology and a number of works have been undertaken by the Indian Railways for various countries. To organise this consultancy on a rational basis a public undertaking under the aegis of the Ministry of Railways has been formed as an independent company i.e. the Rail India Technical and Economic Services Ltd (RITES in short) with its headquarters at New Delhi.

This Company offers a whole gamut of consultancy services to overseas railways in various disciplines, such as (1) Techno-economic surveys for new lines, doublings, gauge conversions and railway electrification, (2) setting up of production units, (3) project evaluation, (4) design, development, selection and inspection of all railway equipment, (5) railway operations and (6) management consultancy etc.

RYTES have also been entrusted with the work of inspection of equipment purchased by Railways from indigenous industry and to carry out surveys for new sidings and other traffic facilities required for the new industrial units to be set up in the country.

Negotiations for take-over of Caltex and other Foreign Oil Companies

139. SHRI S. A. MURUGANANTHAM:

SHRI S. M. BANERJEE.

Will the Minister of PETROLEUM be pleased to state:

(a) whether Government have been negotiating on the issue of take-over of the assets and operations of Caltex, Assam Oil Company and Oil India Limited; and

(b) if so, what progress has been made so far thereon?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): (a) Yes, Sir.

(b) Since the negotiations are in progress, it is premature to disclose any detail at this stage.

Revision of prices of Drugs

140. SHRI K. S. CHAVDA: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) what was the main criteria of 1974—price revision of drugs after oil crisis; and

(b) the increase in prices given and the percentage of increase to various drug manufacturing companies, company-wise?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI): (a) The Drugs (Prices Control) Order, 1970 provide a mechanism for revision of prices of drugs. Consequent upon the petroleum crisis during the second half of 1973-74, prices of a large number of chemicals including bulk drugs and other in-put materials increased with the result that a number of applications and requests were received for the revision of prices. In so far as drug formulations are concerned, with a view to minimising the time-lag in the processing of applications for revision of prices under para 13 of the Drugs (Prices Control) Order, 1970, guidelines were issued by the Government as an interim measure to cope-with the situation. Prices increases were also allowed for bulk drugs. The main criteria for increases in prices mostly is on account of increase in cost of inputs and utilities.

(b) Information regarding price increases for bulk drugs after Petroleum Crisis given to various companies and the percentage increase in each case is being collected and will be laid on the Table of the House.

Refining of crude from Bombay High

141. SHRI M. KATHAMUTHU: Will the Minister of PETROLEUM be pleased to state:

(a) whether the crude from Bombay High is to be refined at Bharat Refineries, and

(b) if so, the facts thereof?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): (a) and (b). Yes, Sir. As Bharat Refineries was designed to process imported Middle East crudes, and Bombay High crude has several characteristics different from those of the imported crude, processing of this crude in this Refinery would pose certain problems

To overcome these problems the Refinery needs to make certain adjustments in operation, and also addition of certain facilities of comparatively minor nature mainly for receiving, storing and transporting High Pour Point crude, and similarly for handling High Pour point residual products produced from this crude. These modifications and changes are presently under way. During this period, the quantities of Bombay High crude processed will progressively increase, and when the modifications are completed it should be possible to process upto two millions tonnes of Bombay High crude, in addition to imported crude in this refinery.

Establishment of Nicotinamide Plant in Bihar

142 SHRI BHOGENDRA JHA Will the Minister of CHEMICALS AND FERTILIZERS be pleased to refer to the reply given to Unstarred Question No 590 on 13th January, 1976 regarding Self-sufficiency in drugs, antibiotics and surgical instruments and state:

(a) the broad features of the Nicotinamide plant in Bihar including its location, time-schedule for construction and actual production with reasons therefor; and

(b) what is the total quantity and value of the import of drugs, antibiotics, surgical instruments and the remittances abroad by foreign investors in India during the last three years and what specific steps are being taken to stop imports and for take-over of the foreign interests in Indian concerns?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI):

(a) The Nicotinamide plant of the Indian Drugs and Pharmaceuticals Limited is proposed to be located at Bettiah in North Bihar at a total esti-

mated cost of Rs. 8.53 crores. Establishment of the project has been cleared by the Public Investment Board and the terms of foreign collaboration by the Foreign Investment Board. The construction and erection works are expected to be completed within a period of 24 months from the date of signing the agreement with the collaborators, M/s. A.B. Bofors of Sweden. The plant is expected to be commissioned towards the beginning of 1978-79. The plant will produce:—

(in tonnes)	
Product-max	Annual Capacity
1 Nicotinamide	300
2 Nicotinic acid	500
3 Methyl Ethyl Pyridine	1200
4 Acetic acid	4500
5 Acetaldehyde	7500

(b) The quantity and value of the import of drugs, antibiotics and surgical instruments are published by the Department of Commercial Intelligence and Statistics, Calcutta in the Monthly Statistics of the Foreign Trade of India. The details about remittances are furnished in Annexure V to Chapter V of the Report of the Committee on Drugs and Pharmaceutical Industry placed on the table of the Lok Sabha on the 8th May, 1975.

All efforts are made to increase the production of bulk drugs and formulation thereof in order to reduce the imports of drugs and medicine. Increasing number of licences are issued for the manufacture of bulk drugs and during the year 1975/80 licences, letters of intent have been issued to firms for the manufacture of both bulk drugs and formulations. The question of reduction of foreign equity on the basis of the recommendations made by the Committee on Drugs and Pharmaceutical Industry is being examined by Government.

Re-instatement of Railway employees

143 SHRI S M BANERJEE Will the Minister of RAILWAYS be pleased to state

(a) what further progress has been made to re-instate the remaining employees who participated in May, 1974 strike;

(b) total number of those re-instated, and

(c) number of those still to be re-instated?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH) (a) to (c) Out of a total of 16,898 employees who had been dismissed/removed/terminated in the context of May '74 strike 16,084 have so far been taken back to service leaving a balance of 814 only

Railway line from Trivandrum to Kanyakumari

144 SHRI C H MOHAMMED KOYA Will the Minister of RAILWAYS be pleased to state the progress of the construction of the Railway line from Trivandrum to Kanyakumari

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH) Overall upto date physical progress on the construction of this rail link is 33 per cent

Expenditure on inaugural functions of Bharat Refineries

145 SHRI ERASMO DE SEQUEIRA Will the Minister of PETROLEUM be pleased to state

(a) the total expenditure incurred by Bharat Refineries on entertainment at "Inaugural Functions" in February, 1976, and

(b) the justification for this expenditure?

THE MINISTER OF PETROLEUM (SHRI K D MALAVIYA) (a) and (b) 100 per cent of the Indian assets and liabilities of Burmah Shell Oil Storage and Distributing Company of India were acquired by Government on the 24th January, 1976 through an Act of the Parliament. On the same day, 100 per cent shares of the Burmah Shell Refinery Company were acquired by Government. The Indian assets and liabilities of the Burmah Shell Oil Storage and Distributing Company of India Ltd, acquired by Government were vested in the Government Refinery. Burmah Shell Refinery is the most versatile and the largest refinery in India today. The name of the company was changed to Bharat Refineries Limited on the 14th February, 1976. To inaugurate this event of significance simple functions were held at Bombay, Divisional Offices and Depots. All the employees at these locations, representatives of the trade, commerce and public participated in these functions. The expenditure of Rs 71,000/- on entertainment was incurred in the context of the importance of the occasion, the employees morale and public relations.

नई दिल्ली रेलवे स्टेशन पर कारों की वाकिफ के लिये ठेका दिया जाना

146. श्री शंकर बहाल सिंह : क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या नई दिल्ली रेलवे स्टेशन पर खड़ी हुई कारों की सुरक्षा के लिए किसी निजी व्यक्ति को ठेका दिया गया है,

(ख) यदि हा, तो वह कब तक के लिए तथा कितनी राशि के लिए

बिना क्या है और उसकी शर्तें क्या हैं; और

(ग) क्या यह काम विभागीय रूप से किये जाने में कोई दिक्कत है?

रेल मंत्रालय में उपस्थिति (श्री बूढ़ा सिंह) :

(क) जो हा।

(ख) 311 लाख रुपये का यह ठेका 1-7-1975 से 30-6-1976 तक की अवधि के लिए किया गया है। ये ठेके 5,000/- रुपये का बयाना लेकर खुले टेंडर प्रामाणित करने दिये जाते हैं।

(ग) रेलवे की यह नीति नहीं है कि ऐसे ठेके विभाग द्वारा चलाये जाएं।

Requirement and Production of DMT

147 SHRI DHAMANKAR Will the Minister of PETROLEUM be pleased to state

(a) what is the total requirement of DMT a vital raw material for the manufacture of polyester fibre filament yarn and resins in the country, against its actual production by the Indian Petro-Chemicals Corporation Limited who are the only manufacturers of DMT in India,

(b) when is the IPCL likely to achieve its installed capacity and even then what will be the gap between demand and supply, and

(c) what steps are being taken to bridge the gap between the demand and estimated indigenous supply of DMT instead of continuously allowing a substantial portion of the polyester capacity in the country, established at a huge cost, to remain idle?

THE MINISTER OF PETROLEUM (SHRI K D MALAVIYA) (a) The requirement of DMT in relation to the current total licensed and installed capacity of the units for the manufacture of polyester fibre, polyester filament yarn and polyester resins is 29,855 tonnes per annum against the licensed and installed capacity of 24,000 tonnes per annum for manufacture of DMT at IPCL's Aromatics Plant based on 100 per cent capacity. The actual production during 1975 was 14 045 tonnes

(b) IPCL is capable of achieving its installed capacity even as of now

(c) Steps have been taken to augment availability of para-xylene which is the raw material for manufacture of DMT by imports for increasing domestic production of DMT. Import of DMT is also planned to further supplement indigenous availability

Marketing of Products by Caltex

148 SHRI KUMAR MAJHI Will the Minister of PETROLEUM be pleased to state

(a) whether the Caltex is given exclusive marketing facilities in the State of Orissa, and

(b) if so whether the allotment of dealership for distribution of petroleum products of Caltex is based on the system existing under IQC under which reservation is made for Scheduled Castes and Scheduled Tribes?

THE MINISTER OF PETROLEUM (SHRI K D MALAVIYA) (a) No, Sir

(b) No Sir. Allotment of dealerships for distribution of petroleum products is made by Caltex on commercial considerations, and no reservation is made by them for persons belonging to Scheduled Castes and Scheduled Tribes

**Direct train for Gauhati-North
Lakhimpur-Jorai**

149. **SHRI BISWANARAYAN SHAS-TRI:** Will the Minister of RAILWAYS be pleased to state whether there is a proposal under the consideration of his Ministry for introducing a through train for Gauhati-North Lakhimpur-Jorai?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): No such proposal is under consideration at present.

**Memorandum from the employees of
Smith Stanistreet & Co., Calcutta**

150. **SHRI SAROJ MUKHERJEE:** Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether the Government have got any memorandum from the employees of Smith Stanistreet & Co. Ltd., Calcutta regarding the conditions of the company and of the employees working there, if so, the main features thereof;

(b) whether Government have any proposal to nationalise the said company, if so, what are the concrete proposals; and

(c) if not, the steps taken by Government for the service security of more than thousand skilled employees of the said company?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI): (a) Yes, Sir. The workers have emphasised, *inter alia*, that M/s. Smith Stanistreet and Company Limited Calcutta, is an economically viable unit and should be nationalised forthwith.

(b) and (c). The Industrial Reconstruction Corporation of India Limited, Calcutta and Indian Drugs and Pharmaceuticals Limited who had examined the scope of rehabilitation and re-

orientation of Smith Stanistreet Company Limited, Calcutta have submitted their reports to the Government. These reports are under active consideration of the Government.

Definition of Dowry

151. **SHRI SHIV KUMAR SHASTRI:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state whether Government propose to enact a legislation in order to have a clear and well defined definition covering all the aspects of dowry and if so, by what time?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD): Government are examining generally the question of amending the Dowry Prohibition Act, 1961, in the light of experience gained in its working, amendments made by State Governments and suggestions made by the Committee on the Status of Women and other. No decisions have yet been taken.

Oil and Natural Gas in Tripura

152. **SHRI DASARTHA DEB:** Will the Minister of PETROLEUM be pleased to state:

(a) what is the prospect of oil and natural gas in Tripura;

(b) when actual processing of oil and natural gas is likely to start in Tripura, and

(c) in how many places drilling works are in progress in Tripura?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): (a) to (c). Presence of gas of commercial significance has been indicated in the first well drilled in Baramura structure of Tripura. In order to ascertain the extent of this gas horizon and also to carry out further exploration for deeper objects, drilling of 2 more wells has been commercial in this structure.

Production will commence only after the extent of the field is known and firm reserves are established.

Through Travel Facilities between Delhi and Faizabad

153. SHRI R. K. SINHA: Will the Minister of RAILWAYS be pleased to refer to the reply given to Unstarred Question No. 549 on the 13th January, 1976 regarding demand to extend certain trains upto Faizabad or Jaunpur and state:

(a) the progress of survey made so far in connection with provision of through travel facilities between Delhi and Faizabad; and

(b) when was the examination of the proposal undertaken, when it is likely to be completed and the particular efforts being made to complete the examination at an early date?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) and (b). The extension of 83/84 Lucknow Expresses to Faizabad/Varanasi has been examined and it is proposed to extend the train to Faizabad/Varanasi. Details are under finalisation.

Benefit of 'Next Below Rule' to officers sent abroad for training

154. SHRI K. SURYANARAYANA: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government give the benefit of "Next Below Rule" to officers sent abroad for training, if their juniors are promoted when those officers are away on training;

(b) whether such benefit has been denied to some officers during the last few years; and

(c) if so, the reasons for the same?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) The pay of the

officers sent abroad for training is not protected under "Next Below Rule" with reference to the promotion of their juniors.

(b) and (c). Do not arise.

Machine Tools for Railways

155. SHRI BISHWANATH JHUN-JHUNWALA: Will the Minister of RAILWAYS be pleased to state:

(a) whether during the last two years the Railways have placed negligible or no orders for machine tools even though they had planned to place orders to the extent of Rs. 50 crores; and

(b) when will Railways place their bulk orders to help the industry?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) The expenditure incurred by Railways on Machinery and Plant during last two years (1973-74 and 1974-75) has been about Rs. 13 crores. Railways had not planned for an expenditure of Rs. 50 crores on Machinery and Plant during this period.

(b) Orders for Machinery and Plant are being placed by Railways regularly within the funds made available.

Loss to Railways due to pilferage and wagon breaking

156. SHRI BISHWANATH JHUN-JHUNWALA: Will the Minister of RAILWAYS be pleased to state:

(a) whether there has been any improvement since the imposition of emergency in checking losses to the Railways through pilferage and wagon breaking; and

(b) if so, the achievements made in this regard?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) Yes.

(b) There has been a marked achievement in checking losses through pilferage and wagon breaking since

the imposition of emergency, which is evident from the following table:

	Pilferage		Wagon Breaking	
	During 26-6-74 to 31-1-1975	During 26-6-1975 to 31-1-1976	During 26-6-1974 to 31-1-1975	During 26-6-1975 to 31-1-1976
No. of cases	19,083	12,853	2,899	1,567
	Rs.	Rs.	Rs.	Rs.
Property stolen	1,70,63,651	68,95,692	60,52,983	23,09,296

Stoppage of re-payment of dividend by M/s. Sandoz

157. SHRI SOMCHAND SOLANKI: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether M/s. Sandoz's repayment of dividends was stopped in 1974-75 and if so, why;

(b) whether this company was allowed free foreign equity of Rs. 10 lakhs for obtaining manufacturing know-how of Algycon and Glycosides fractions and for commitment of export upto a specified level;

(c) whether the company never manufactured these items nor exported them; and

(d) if so, what action has been taken against this company for non-fulfilment of conditions imposed on it?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI): (a) Yes, Sir.

In February, 1974, M/s. Sandoz (India) Ltd. was asked to intimate whether they had commenced production of Glycoside fraction and Aglycono fraction approved through an

industrial licence issued in their favour in 1963, and whether they had taken up the production of Isolates based on these fractions. Pending scrutiny of this, the Ministry of Finance (Department of Economic Affairs) were requested to withhold remittances of technical fee relating to this project. The Ministry of Finance accordingly instructed the Reserve Bank of India.

M/s. Sandoz (India) Ltd., intimated that they had received from their principals technical know-how for the manufacture of active principles of podophyllum and had established a number of farms for systematic cultivation of medicinal plants and also undertaken pilot plant production of manufacture of active principles of podophyllum. However, following new findings in clinical research laboratories and the diminished market potentiality of the products, they found that it was commercially inexpedient to manufacture the extracts.

The various aspects of this case have since been examined in consultation with the Ministry of Law, Deptt of Science and Technology, C.S.I.R. and D.G.T.D. During the period of last five years, the Company has exported products to the extent

of Rs. 4.36 crores. This was in excess of what they were required to export under various export obligations. The Government have taken an over-all view of the performance of the Company in the context of their exports and have advised the concerned authorities to permit remittances which were held in abeyance.

(b) Allotment of shares of Rs. 10 lakhs out of a share of Rs. 52 lakhs by Sandoz India to M/s. Sandoz Switzerland was approved as consideration and contribution towards the planning and Development expenses incurred and for rendering technical assistance/providing technical know-how by M/s. Sandoz Ltd., Basle in the manufacture of Podophyllum.

(c) Due to some technical difficulties and un-foreseen circumstances the firm have neither been able to produce nor export these items.

(d) As stated under (a) above, the matter has been thoroughly examined and keeping in view various aspects it has been decided not to take any action against the firm for non-fulfilment of the conditions imposed on them.

Production of non drug items by the Foreign firms

158. SHRI SOMCHAND SOLANKI: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) the names of foreign drug manufacturing firms, producing non-drug items—dyes and chemicals from raw materials imported by them during the last three years;

(b) the licensed capacity, import licences allowed in respect of each;

(c) whether some of the dyes materials are commonly used in drug and non-drugs and whether some firms allowed all imports on the non-drug side; and

(d) whether the banned items of dyes are allowed to foreign companies with more than 26 per cent equity and if so, the particulars thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI):

(a) and (b). The required information is being collected and will be laid on the Table of the House.

(c) There are some common user items and the import of such items is regulated by Government's Import Trade Control Policy.

(d) Each case in regard to banned items is considered on its merits with due regard to the Government's Import Trade Control Policy referred to above.

Foreign drug companies operating without licences

159. SHRI SOMCHAND SOLANKI: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether an Inter-Ministerial group has been appointed for examining different aspects of foreign companies operating without obtaining industrial licences under Industries (Development & Regulation) Act and manufacturing items of drug formulations, flouting rules and regulations in this regard;

(b) the reasons for not taking action against them for their unauthorised production;

(c) whether any action is to be taken against these firms; and

(d) whether such facility could be granted to firms who do not have any foreign equity and do not use any import technology?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI):

(a) An Inter-Ministerial Group was

set up to consider the operations of certain foreign majority drug manufacturing companies including those operating in the non-organised sector with a view to examining the nature of their operations in the context of Industries (Development and Regulation) Act and also the Industrial policy of the Govt. on the subject.

(b) and (c). The question of taking action against these firms on the basis of the recommendation of the Inter-Ministerial Group are being examined in consultation with the concerned Department with a view to take suitable action.

(d) Such facilities as may be necessary will be provided on the basis of merits and policy of Government from time to time.

Donations made by Bombay firms to Forum of Free Enterprise

160. SHRI VASANT SATHE: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether some Bombay firms are reported to have made illegal donations to the Forum of Free Enterprise during the year ending March,

1972 in contravention of the Companies Act, 1956;

(b) if so, the facts thereof; and

(c) the action taken in the matter?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): (a) and (b). Yes, Sir. A Statement containing the names and amounts contributed to the Forum of Free Enterprise by companies in alleged violation of the provisions of section 293A of the Companies Act, 1956 as brought to the notice of the Department of Company Affairs by the Registrar of Companies, Bombay, is attached.

(c) Prosecutions have been launched against the companies listed at Sl. Nos. 1 to 3 in the Statement and are being launched in other two cases also. However, the companies listed at Sl. Nos. 1 to 3 in the Statement and four officers of the Forum of Free Enterprise have filed a Writ petition challenging the prosecutions in the Bombay High Court and the Hon'ble High Court has stayed prosecutions in all these cases.

Statement

Names of companies who have contributed to the Forum of Free Enterprise in violation of the provisions of section 293A of the Companies Act, 1956, as reported by the Registrar of Companies, Bombay from time to time.

Sl. No.	Name of the company	Financial year	Amount paid/ contributed
1	2	3	4
			Rs.
1	M/s. Premier Construction Company Limited	31-12-1970 31-12-1971 31-12-1972 31-12-1975	1,000 1,000 1,000 1,000
2	M/s. Hindustan Spinning & Weaving Mills Limited	31-3-1972	5,000
3	M/s. Walchand Nagar Industries Private Ltd.	30-9-1973	1,500
4	M/s. Hindustan Construction Company Ltd.	31-7-1972	1,500
5	M/s. Walchand and Company Private Limited	31-3-1971 31-3-1972	1,500 1,500

Movement of Salt from Gujarat

161. SHRI VASANT SATHE: Will the Minister of RAILWAYS be pleased to state:

(a) whether acute shortage of wagons has affected the movement of salt particularly from Gujarat to other parts of the country; and

(b) if so, the steps taken to ease the position?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) No.

(b) Does not arise.

Oil Drilling in Bodra Area

162. SHRI PRIYA RANJAN DAS MUNSI: Will the Minister of PETROLEUM be pleased to state:

(a) whether the Oil and Natural Gas Commission made any fresh attempt for drilling oil in 'Bodra' area of 24 Parganas in West Bengal; and

(b) whether the Oil and Natural Gas Commission experts were divided about the availability of oil there in their own report and assessment?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): (a) The well drilled in Bodra did not yield any favourable results. ONGC is presently drilling a well in Bakultala in 24-Parganas District.

(b) No, Sir.

Licences issued to Sandoz India Limited

163. SHRI BHALJIBHAI PARMAR: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) the particulars of licences under which Sandoz India Limited were allowed foreign collaboration/technical know-how, the items covered by

the licensed capacities, production and value of each product during the last three years;

(b) whether the terms of collaboration were approved by the appropriate authority, if so the names of such additional items; and

(c) was the extension of the agreement to the additional items also approved, if not who are the officials responsible for this remissness?

* THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI): (a) to (c) The information is being collected and will be laid on the Table of the House.

Implementation of Recommendations of Hathi Committee

164. SHRI BHALJIBHAI PARMAR: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state the reaction of Government to the various recommendations contained in Chapter V of the Hathi Committee Report?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI):

Government are in agreement with the recommendation of the Hathi Committee that more liberal policy is necessary to encourage the Indian companies to make their contribution to the production of bulk drugs and formulations. In this context, from 1/4/1975, Government have issued over 50 industrial licences/letters of Intent to firms with foreign equity of 40 per cent and below as against 15 licences/letters of Intent issued to firms with foreign equity of over 40 per cent. The recommendations of the Hathi Committee will be implemented by Government keeping the overall objective of increasing the production of drugs and their supply at reasonable prices.

सोनपुर में डिजीजल सुपरिन्टेंडेंट कार्यालय खोला जाना

165. श्री रामाबतार शास्त्री : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने पूर्वोत्तर रेलवे के सोनपुर में डी० एस० (प्रभावीय प्रधीलक) कार्यालय खोलने का निर्णय किया है, और

(ख) यदि हा, तो वह कब खोला जाएगा ?

रेल मंत्रालय में उपमंत्री (श्री बूटा सिंह) : (क) जी नहीं।

(ख) प्रश्न नहीं उठता।

भागरा फोर्ट स्टेशन पर लूफान एक्सप्रेस में छात्रों द्वारा जबरन प्रवेश

166. श्री रामाबतार शास्त्री : क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या भागरा फोर्ट स्टेशन पर टूंडला स्टेशन लौटने वाले वहां के छात्र लूफान एक्सप्रेस के प्रथम श्रेणी के डिब्बे में जबरन प्रवेश करके यात्रियों को परेशान करते हैं तथा उनके साथ दुर्व्यवहार करते हैं; और

(ख) यदि हा, तो उनकी गुंडागर्दी रोकने के लिए सरकार ने क्या कार्यवाही की है ?

रेल मंत्रालय में उपमंत्री (श्री बूटा सिंह) : (क) जी नहीं।

(ख) प्रश्न नहीं उठता।

Prices of Imported Tetracycline and Doxycycline

167. SHRI BHALJIBHAI PARMAR: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) what are the CIF prices of imported Tetracycline and Doxycycline today;

(b) what are the imported raw materials (quantity and value) required for each of the bulk drugs manufactured by M/s. Pfizer during the last three years;

(c) what is the import content in IDPL's Oxytetracycline and Doxycycline;

(d) whether Doxycycline has not been certified as essential drug by the Hathi Committee and, if so, what new factors have intervened resulting in reopening this case and for considering Pfizer's proposal; and

(e) what is the estimated demand of Doxycycline in the country?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI):

(a) The price of Tetracycline Hcl as on 19-2-1976 is reported to be Rs. 185 per kg. c.i.f. The average c.i.f. price of Doxycycline on the basis of the imports during 1974-75 is Rs. 3732 per kg. However, c.i.f. price on the basis of recent imports by IDPL is Rs. 1890 per kg.

(b) and (c). The information is being collected and will be laid on the Table of the House.

(d) Paragraph 47 of Chapter III of the Report of the Committee on Drugs and Pharmaceutical Industry is reproduced below—

"In view of the growing importance of erythromycin, semi-synthetic penicillin and doxy-oxytetracycline and the fact that the public sector units are already engaged in the production of penicillin and oxy-tetracycline, the starting materials for the two latter antibiotics, the Committee feels that even though these drugs do not figure in the essential drugs list, the public sector must carry the major responsibility for the production of these and other useful antibiotics as may appear in therapeutics from time to time".

The application of M/s. Pfizer for the manufacture of Doxy-cycline is still under consideration and no final decision has yet been taken so far.

(e) No precise demand for Doxy-cycline has been made but it is expected that the demand will be quite substantial.

Activities of Foreign Drug Firms

168. SHRI BHALJIBHAI PARMAR: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state,

(a) what are the activities of the foreign drug companies which operate without the specific approval of Government; and

(b) what is the turnover covered by "Permission Letters" and COB licences and industrial licences in respect of each of these companies, both in terms of value and percentage?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI):

(a) Data relating to growth of important units having foreign equity, which covers original equity, mode of addition of subsequent equity, present equity and reserves is included in Annexure I to Chapter V of the report of Committee on Drugs and Pharmaceuticals Industry. Similarly details of remittances are given in Annexure V to Chapter V of the same report. A copy of the report was placed on the Table of the House on 8-5-75.

(b) Foreign drug companies are normally required to obtain specific approval under the IDR Act in respect of their activities unless the Act and rules made thereunder exempt them from doing so. Some instances had come to the notice of Govt. where foreign majority drug company had been operating without obtaining 'cob' licence in respect of the activities on the plea that they are not covered by

provision of IDR Act because of small number of workers employed etc. Question of amending the relevant provisions of the Act is being examined.

(c) Details of capacities etc. covered by various 'permission letters', 'cob' licences and 'Industrial Licences' for bulk drugs held by foreign drug companies and their total turnover is available in Annexure II, III, IV and VII of the report of Committee on Drugs and Pharmaceuticals Industry a copy of which was placed on the Table of the House on 8-5-75.

Parallel Reservation Office at Calcutta

169. SARDAR SWARAN SINGH SOKHI: Will the Minister of RAILWAYS be pleased to state:

(a) whether any parallel railway 'reservation office' has been unearthed at Calcutta;

(b) whether any railway employee is involved,

(c) if so, steps taken by Government against the employee and other persons; and

(d) action taken by Government to stop such unauthorised functioning of reservation offices?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) No. However, during surprise raids made recently by anti-fraud squad of Eastern and South Eastern Railways in collaboration with the State Police, some unauthorised travel agents have been found dealing with clandestine sale of reserved tickets.

(b) and (c). No railway employee was involved. The persons found involved were arrested and are under trial.

(d) Joint raids by Vigilance Organisation, anti-fraud squad of Railways and the State Police are made frequently to unearth the activities of unauthorised agencies and suitable action taken against them.

Fitting of Pressure Gauges to Gas Cylinders

170. SARDAR SWARN SINGH SOKHI: Will the Minister of PETROLEUM be pleased to refer to the reply given to Unstarred Question No. 30 on the 6th January, 1976 regarding complaints regarding Filling of Gas Cylinders and state:

(a) whether Government are aware that pressure gauges are fitted to cylinders of other gases for domestic, hospital and industrial use and if so, whether feasibility of installing gauges on cooking gas cylinders has been examined; and

(b) if so, the findings thereof?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): (a) and (b). The pressure gauges fitted on cylinders containing gases such as oxygen, acetylene, etc., are not useful on L.P.G. (cooking gas) cylinders because, unlike the above-mentioned gases, L.P.G. is in the liquid phase inside the cylinder. Therefore, so long as any liquid is left in the cylinder, the pressure will remain more or less the same. Hence these gauges cannot indicate variations in the quantity of L.P.G. contained in the cylinder.

रेल हड़ताल में अस्तव्यस्त रेल कर्मचारियों की बहाली

171. श्री गंगाचरण दीक्षित : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य रेलवे में उन कर्मचारियों की संख्या कितनी है जिन्हें अब तक बहाल नहीं किया गया है यद्यपि गत रेलवे हड़ताल में भाग लेने के लिये पुलिस द्वारा उनके विरुद्ध दर्ज किये मामले उनके पक्ष में निपट चुके हैं; और

(ख) इन कर्मचारियों की बहाली के लिये क्या कार्यवाही करने का विचार है ?

रेल मंत्रालय में उपमंत्री (श्री बूटा सिंह) और (ख) अब तक वापस

न लिये गये दो कर्मचारियों में से एक ने न्यायालय में याचिका प्रस्तुत की है और दूसरे व्यक्ति का मामले विचाराधीन है।

मध्य रेलवे के टिकट निरीक्षक कर्मचारियों को बर्दियों (लिबरी) की सप्ताह

172. श्री गंगाचरण दीक्षित : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बर्दियों सम्बन्धी समिति द्वारा की गई सिफारिशों के अनुसार मध्य रेलवे में टिकट निरीक्षक कर्मचारियों को बर्दियों (लिबरी) की सप्ताह की जा रही है;

(ख) क्या इन कर्मचारियों को वी गई बर्दियों सम्बन्धी सुविधा में और कटौती की गई है; और

(ग) यदि हां, तो इसके क्या कारण हैं ?

रेल मंत्रालय में उपमंत्री (श्री बूटा सिंह) : (क) जी हां।

(ख) जी नहीं।

(ग) प्रश्न नहीं उठता।

मध्य रेलवे में डीजलीकृत रेलगाड़ियाँ

173. श्री गंगाचरण दीक्षित : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य रेलवे में कितनी रेलगाड़ियों का डीजलीकरण किया गया है;

(ख) क्या इन रेलगाड़ियों का पूरी तरह से डीजलीकरण हो गया है; और

(ग) यदि नहीं, तो यह कार्य कब तक पूरा हो जायेगा ?

रेल मंत्रालय में उपमंत्री (श्री बूटा सिंह) : (क) मध्य रेलवे पर 15 डीजली गाड़ियाँ डीजल रेल इंजन लगा कर चलायी जाने लगी हैं।

(ख) सिवाय 5/6 पंजाब मेल के, केवल भसावल-सांसी खण्ड पर डीजल रेल

इंजन लगा कर चलाई जाती है, मध्य रेलवे के उस भाग पर जहाँ बिजलीकरण नहीं हुआ है, सभी दूसरी गाड़ियाँ डीजल इंजनों से चलाई जाती हैं।

(ग) 1-5-1976 से लागू होने वाली नयी समय-सारणी में 5/6 पंजाब मेल को झांसी-फिरोजपुर रोड खंड पर डीजल इंजन लगा कर चलाने का प्रस्ताव है।

Production of Crude by 1980

174. SHRI S. R. DAMANI: Will the Minister of PETROLEUM be pleased to state:

(a) the estimated increase in crude production by 1980 from the present known sources;

(b) whether area-wise and year-wise plans have been drawn up and if so, the broad outlines thereof; and

(c) the likely reduction in the burden of imports in 1980 keeping in view the growth in demand during the period?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): (a) No estimate can yet be made of the quantity production of crude oil in 1980. However, in 1978-79, the indigenous production is likely to be 14.1 million tonnes against the present out put of approximately 8.3 million tonnes.

(b) Yes, Sir. The Oil India Ltd., apart from developing and exploiting the resources of its two important oil fields at Naharkatiya and Moran in Assam, has undertaken intensive exploration for oil within its areas in Assam and Arunachal Pradesh. ONGC is intensifying its onland exploration work in Assam, Gujarat, Punjab Basin, Ganga valley, West Bengal and Tripura etc. It is proposed to commence production from Bombay High oil fields from April this year and progressively increase it to 1.5 to 2.0 million tonnes by end of 1978. During the 5th

Five Year Plan, it is planned to establish additional recoverable reserves of 70 to 100 million tonnes of oil. ONGC will drill 1,402 million metres, put in 91 party years of geological and 162 party years of geophysical field work in various sedimentary basins.

(c) No estimate is available for 1980. In 1978-79, however, against a total requirement of 29 million tonnes the indigenous production will be 14.10 million tonnes, thus necessitating import of 14.90 million tonnes. The current level of imports is approximately 14 million tonnes. There may not therefore be much of an increase in imports over the present level.

इन्दौर डिबीजन में हरिजनों और आदि-वासियों को आबंटित उर्बरक एजेंसियाँ

175. श्री हुकम चन्द कल्लुवाय : क्या रसायन और उर्बरक मंत्री यह बताने की कृपा करेंगे कि :

(क) इस समय इंदौर डिबीजन में कितने हरिजनों और आदिवासियों को उर्बरक एजेंसिया दी गई हैं;

(ख) ये एजेंसियाँ किन-किन व्यक्तियों को किन-किन तारीखों को दी गई हैं तथा ये एजेंसिया किन-किन स्थानों पर हैं;

(ग) क्या हरिजनों और आदिवासियों को दी गई एजेंसिया इन्दौर डिबीजन में गैर-हरिजनों और गैर-आदिवासियों द्वारा चलाई जा रही हैं; और

(घ) हरिजनों और आदिवासियों को एजेंसियाँ देने हेतु इस समय कितने आवेदन पत्र विचाराधीन हैं और इन पर कब तक निर्णय ले लिया जायेगा और एजेंसी देने की क्षमता क्या है ?

इसाधन और उर्वरक संशोधन में उपयुक्त
(बी सी० पी० मास्ती) : (क) से (घ).
सूचना एकत्र की जा रही है और सभा पटल
पर रख दी जायेगी।

**Proposal to set up a Petro-Chemical
Complex in Bombay**

176 SHRI C JANARDHANAN
SHRI P GANGADEB

Will the Minister of PETROLEUM
be pleased to state:

(a) whether Government have a
proposal under consideration to set
up a petro-chemical complex in
Bombay in the background of the oil
exploration at the Bombay High; and

(b) if so, the broad features there-
of and steps being taken in this
regard?

THE MINISTER OF PETROLEUM
(SHRI K D MALAVIYA) (a) and
(b) No such proposal is under con-
sideration at present. The matter
will be considered at the appropriate
time.

Survey for Railway Lines in Kerala

177 SHRI C JANARDHANAN Will
the Minister of RAILWAYS be pleased
to state

(a) the railway lines now under
survey in Kerala,

(b) the progress so far made in the
survey of each of these lines, and

(c) by when each of them is ex-
pected to be completed?

THE DEPUTY MINISTER IN THE
MINISTRY OF RAILWAYS (SHRI
BUTA SINGH) (a) to (c) (i) Kutti-
puram to Trichur via Guruvayur—
Engineering and traffic surveys have
been completed and the survey reports
are under examination.

(ii) Ernakulam to Alleppey—Engi-
neering and Traffic Surveys are in

progress at the cost of the State Gov-
ernment. The survey is expected to
be completed by the middle of the year.
Progress so far made is 50 per cent.

पेट्रोलियम में आत्म निर्भरता

178. श्री हरी सिंह : क्या पेट्रोलियम
मन्त्री यह बताने की कृपा करेंगे कि

(क) पेट्रोलियम में देश को आत्म-निर्भर
बनाने के बारे में क्या प्रगति हुई है, और

(ख) क्या सरकार इस प्रगति से सतुष्ट
है और यदि नहीं, तो क्या सरकार ने इस
बारे में कोई अन्य उपाय सोचे है ?

पेट्रोलियम मन्त्री (श्री के० डी० मालवीय)

(क) और (ख). कच्चे तेल के
देशी उत्पादन में 1973-74 में 7.2
मि० टन और 1974-75 में 7.66 मि० टन
की तुलना में 1975-76 में 8.3 मि० टन
की वृद्धि हुई है। पाचवी योजना की अवधि के
अन्त तक विद्यमान संसाधनों से कच्चे तेल
का अनुमानित उत्पादन लगभग 32 मि० टन
की संक्षिप्त मात्रा की अपेक्षा 14 मि० टन
होने की आशा है और अधिक तेल की खोज
के लिए समस्त प्रयत्न किये जा रहे हैं और
इस कार्य के लिए अनुसंधान के कार्यों को बढ़ावा
दिया गया है।

Progress made by Fertilizers Factories

179 SHRI HARI SINGH Will the
Minister of CHEMICALS AND FERTI-
LIZERS be pleased to state

(a) the progress made so far to-
wards the achievement of self-suffi-
ciency in fertilizers; and

(b) whether Government are satis-
fied with progress made by fertilizers
factories of the country?

THE DEPUTY MINISTER IN THE
MINISTRY OF CHEMICALS AND
FERTILIZERS (SHRI C. P. MAJHI)

(a) and (b) A large-scale programme
is under implementation in the public,

private and cooperative sectors for augmenting the indigenous capacity for production of chemical fertilizers. The performance of the various units is continuously monitored and such measures, as are necessary, are taken to overcome the various constraints which are found to inhibit production and ensure their satisfactory and efficient performance. As a result, the overall performance of the industry, in terms of capacity utilisation, has improved very substantially.

Further, with the implementation of the above programme, the capacity, which presently stands at 25.09 lakh tonnes of nitrogen and 6.9 lakh tonnes of P_2O_5 , is expected to go up to 65 lakh tonnes and 17 lakh tonnes respectively. The increased production arising from substantial addition to capacity, as envisaged above, should help narrow appreciably the gap between demand and indigenous availability of fertilizers.

Linking of Tellicherry and Mysore by Railway Line

181. SHRI A. K. GOPALAN: Will the Minister of RAILWAYS be pleased to state the broad outlines of progress made to link Tellicherry and Mysore by rail?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): Engineering-cum-traffic surveys carried out in 1956-57 for the construction of the proposed 235 kms. long Metre Gauge rail link revealed that the project would cost Rs. 12.45 crores at the then prevailing prices and would be unremunerative. In view of the very limited availability of funds, even for works which are already approved no further investigations have been carried out on this line.

Employees dismissed in Olavakot Division, Southern Railway

182. SHRI A. K. GOPALAN: Will the Minister of RAILWAYS be pleased to state:

(a) total number of employees still out of job due to their participation in last railway strike in Olavakot Division, Southern Railway;

(b) whether Government propose to re-instate them without further delay, and

(c) if so, when?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) Two

(b) and (c) Both of these employees have filed writ petitions in the High Court of Kerala and their cases are sub-judice

Supply of Cooking Gas to consumers

183. SHRI MOHINDER SINGH GILL: Will the Minister of PETROLEUM be pleased to state:

(a) whether the supply of cooking gas to the consumers in the country is not likely to improve in the near future in spite of the Bombay High crude finds;

(b) if so, the reasons for the same; and

(c) when will the supply position ease?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): (a) to (c). The present demand of liquified petroleum gas (cooking gas) is far in excess of its current production from the refineries. Availability of LPG from the refineries depends upon the quantum of crude processed, crude characteristics, and the secondary processing facilities available in the refinery. LPG yield from the Bombay High Crude will be slightly better, but since this would mainly substitute the

imported crude, no substantial improvement in the overall LPG supplies can be expected with the processing of Bombay High Crude. There are also plans for the manufacture of LPG from Associated Gas obtained from Bombay High Crude. As soon as these materialise, there will be a considerable increase in LPG supplies in the country. Commissioning of the new Haldia Refinery has, however, resulted in improved supplies in the Eastern Region. Improvement of supplies in other regions is expected when Mathura Refinery goes into production in 1980-81 and the production of L.P.G. starts from natural gas in Assam fields of Oil India Limited by 1980.

Introduction of people-oriented railway service

184. SHRI ARJUN SETHI: Will the Minister of RAILWAYS be pleased to state—

(a) whether recently there has been a demand for introducing more people-oriented railway service especially to cater to the needs of the multitude of less fortunate passengers; and

(b) if so, the specific steps taken in this regard?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) Yes

(b) Janata/Jayanti Express trains have been introduced on all the major trunk routes except Bombay-Calcutta via Nagpur. During 1975-76, 2 Jayanti Janta Expresses namely 159/160 Nizamuddin-Secunderabad Jayanti Janata Express and 81/82 Bombay-Cochin Jayanti Janata Express and 1 Janata Express train, namely, New Bangaigaon-Howrah Janata Express, were introduced making the total number of Jayanti Janata/Janata trains to 23. The frequency of 131/132 Nizamuddin-Mangalore/Cochin Jayanti Janata Express has been increased from triweekly to five times a week

and that of 115/116 Bombay-Lucknow Janata Express from bi-weekly to tri-weekly. Additionally 17/18 Madras-Delhi Janata Expresses have been extended to/from Jammu Tawi and 153/154 New Delhi-Samastipur Jayanti Janata Expresses have been extended to/from Muzaffarpur. The intention is to spread the net work of Janata trains and wherever possible to increase the frequency where it is not daily, at present.

Steps to gear up maintenance machinery of the Railways to avoid accidents

185. SHRI N K SANGHI:
SHRI VASANT SATHE:
SHRI MOHAMMAD ISMAIL:
SARDAR SWARAN SINGH
SOKHI

Will the Minister of RAILWAYS be pleased to state what steps have been taken to gear up the maintenance machinery in the Railways to avoid accidents like the one that occurred near Matunga Station in Bombay on 12th February, 1976?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): Proper maintenance attention to EMU suburban coaches is being continued.

According to the provisional finding of the Additional Commissioner of Railway Safety, the fire in a coach on Thana-Bombay V.T. local train on 12-2-1976 was due to ignition of inflammable material which was being carried below the seat level in the right hand side rear end corner of the compartment. He has attributed the accident to "negligence of persons other than railway staff".

Free legal advice to poor farmers

186 SHRI N. K. SANGHI: Will the Minister of LAW, JUSTICE AND

COMPANY AFFAIRS be pleased to state:

(a) whether the Delhi Bar Council has already launched the project of "Barafot" lawyers to give free legal advice to the poor farmers to help settle the cases outside the Court; and

(b) if so, whether Central Government propose to set up such facilities in other Centrally administered areas where voluntary organisations have not yet come forward to give the project a practical shape?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): (a) The Bar Council of Delhi by its Resolution No. 1 dated 31-1-1976 has resolved that four legal aid cells in the rural Delhi—one each in the North, South, East and West regions of Delhi be created and the advocates belonging to the particular village be deputed to visit the Panchayat concerned once a week and render whatever help and legal advice is needed. The Bar Council has informed that necessary steps to implement this Resolution are being taken.

(b) This matter is under examination.

Saving drive by Railways

187. SHRI RAGHUNANDAN LAL BHATIA: Will the Minister of RAILWAYS be pleased to state:

(a) whether the Railways have launched a saving drive very recently;

(b) whether the saving drive has resulted in the saving of foreign exchange; and

(c) if so, facts thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) to (c). No specific saving drive has been recently launched by the Railways. However, in im-

plementation of the programme of self-reliance included in the 20-Point Economic Programme, a special intensification of the drive towards indigenisation has been launched since August, 1975. As a result of this special drive the Railways have been able to take off the import list a number of items resulting in an estimated annual saving of Rs. 2.12 crores in foreign exchange on the anticipated production programme for 1976-77.

Looting of passengers of Puri-Howrah Passenger Train at Kulgadua

188 SHRI SAMAR MUKHERJEE: Will the Minister of RAILWAYS be pleased to state:

(a) whether the passengers of 315 Dn. Puri-Howrah Passenger were looted by dacoits at Kulgadua on the Howrah-Kharagpur section of the South Eastern Railway on 13th February, 1976;

(b) if so, the facts thereof; and

(c) the steps taken by Government to punish the culprits and to prevent such occurrences in future?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) Yes, a robbery took place in Puri-Howrah passenger train at Kulgachia Railway Station on 13-2-1976 (and not at Kulgadua).

(b) On 13-2-1976 at about 03.45 hrs. three miscreants armed with daggers committed a robbery in a second class compartment of Train No. 318 Dn. (Not 315 DN) Puri-Howrah Passenger at Kulgachia Railway Station and snatched away cash and wrist watch valued at Rs. 550/- from passengers. One of the robbers was caught hold of by the victims. Other two robbers jumped down from the train with the booty. Government Railway Police, Shalimar have registered the case on 13-2-76 under Section 394 IPC. Two more accused persons were arrested later on by the Police on 14-2-76. The train was provided with armed guards.

Action against the armed guards for their failure to intercept the criminals is being taken by Police authorities.

(c) (i) Armed police guards are being provided in the trains for safe travelling of passengers.

(ii) Plain-cloth Government Railway Police staff are detailed on affected Sections.

(iii) Assistance of R.P.F. is given to GRP for escorting duties, when needed.

(iv) Frequent surprise checks are made by Government Railway Police supervisory staff.

(v) Safety devices in coaches are strengthened where required; and

(vi) Co-ordination meetings are held among Government Railway Police, State Police and Railway Protection Force.

Dacoities in Eastern and South Eastern Railways

189. SHRI SAMAR MUKHERJEE: Will the Minister of RAILWAYS be pleased to state:

(a) whether dacoities are on the increase in Eastern Railway and South Eastern Railway;

(b) if so, number of dacoities took place between 1st January, 1975 and 15th February, 1976, and

(c) the reaction of Government thereto?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) and (b). There was no increase in the incidence of dacoity cases on Eastern Railway during the period from 1-1-1975 to 15-2-1976, while there was a slight increase of such cases on South Eastern Railway during the aforesaid period as will be seen from the following table:—

Railway	No. of cases of dacoities	
	1-1-74 to 15-2-75	1-1-75 to 15-2-76
Eastern	55	37
South Eastern	10	12

(c) (1) All important passenger trains are escorted by Police during night.

(2) Supervision by Government Railway Police officers has been tightened up.

(3) Armed police pickets are being posted at times in the affected stations.

(4) State CID staff are pursuing cases of crimes of heinous nature to lay their hands on the gang members responsible for such crimes

Accidents in Indian Railways

190 SHRI SAMAR MUKHERJEE: Will the Minister of RAILWAYS be pleased to state:

(a) total number of accidents in Indian Railways between January, 1975 and 15th February, 1976;

(b) number of people lost their lives and injured;

(c) whether any enquiry had been ordered to find out the reasons therefor as well as adequacy of steps to check such accidents, and

(d) if so, the findings thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) There were 1097 train accidents in the categories of collisions, derailments, trains running into road traffic at level crossing and fires in trains on the Indian Government Railways during the period 1-1-1975 to 15-2-1976.

(b) In these accidents, 278 persons lost their lives and 996 sustained injuries.

(c) All accidents are enquired into thoroughly to ascertain their causes and appropriate remedial measures are taken to prevent their recurrence.

(d) The causes of these accidents are as under:—

(i) Failure of railway staff	611
(ii) Failure of persons other than railway staff	142
(iii) Failure of equipment	173
(iv) Sabotage	4
(v) Accidental	95
(vi) Cause could not be established	23
(vii) Cause not yet finalised	51
TOTAL	1097

Investment in Chemical Industry

191. SHRI R. S. PANDEY: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government have been urged upon to encourage proper investment in chemical industry; and

(b) if so, the reaction of Government thereto?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI): (a) and (b). Government is fully aware of the need to provide the various inputs including the investments needed to bring about a balanced and integrated development of the chemical industry. The specific measures being taken in this regard are detailed in the annual "Guidelines for Industries" published by Government.

Panel to study end-use of Petro-Chemicals

192. SHRI RAM SAHAI PANDEY: Will the Minister of PETROLEUM be pleased to state:

(a) whether Government propose to set up a panel to study end-use of petro-chemicals; and

(b) if so, the main features of the proposals?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): (a) No panel has been set up to study the end use of Petro-Chemicals.

(b) Does not arise.

रेल गाड़ियों में धूम्रपान निषिद्ध करने के लिए कानून बनाया जाना

193. श्री मूल चन्द डागा : क्या रेल मंत्री यह बताने की कृपा करेंगे कि क्या सरकार का विचार रेलगाड़ियों में धूम्रपान निषिद्ध करने हेतु कोई कानून बनाने का है जिससे उस प्रकार की दुर्घटनाएं न होने पायें जैसी 12 फरवरी, 1975 को बम्बई में थाता-बम्बई उपनगरीय रेलगाड़ी में हुई थी ?

रेल मंत्रालय में उपमंत्री (श्री बूटा सिंह) : भारतीय रेल अधिनियम, 1890 की धारा 110 के अन्तर्गत, यदि कोई व्यक्ति अपने सह-यात्रियों की अनुमति के बिना, उस डिब्बे के सिवाय जिसमें कि धूम्रपान के लिए विशेष रूप से व्यवस्था की गयी है, किसी डिब्बे में धूम्रपान करता है, तो उस पर 20 रुपये तक जुर्माना किया जा सकता है। यदि कोई व्यक्ति किसी रेल कर्मचारी द्वारा धूम्रपान न करने के लिए दी गयी चेतावनी के बावजूद ऐसा करने का हठ करता है, तो जुर्माने के साथ-साथ उसे रेल कर्मचारी द्वारा उस सवारी डिब्बे में से हटाया जा सकता है जिसमें यात्रा कर रहा हो।

क्रिहल सवारी गाड़ियों में धूम्रपान पर पूरी तरह रोक लगाने का क्रिहल कोई प्रस्ताव नहीं है।

रेल सुरक्षा के अपर आयुक्त के अनन्तिम निर्णय के अनुसार, 12-2-76 को बाना-कम्बई बी० टी० स्थानीय गाड़ी के एक डिब्बे में आग लगने का कारण यह था कि सीट के नीचे रखकर ले जाये जा रहे किसी ज्वलनशील पदार्थ में आग लग गयी। भारतीय रेल अधिनियम की धारा 59 के अधीन यात्री गाड़ियों में खतरनाक और ज्वलनशील पदार्थ ले जाना पहले से ही निषिद्ध है।

पलवल-दिल्ली स्टेशन पर टिकटों की पुनः बिक्री

194. श्री मूच चन्द डागा : क्या रेल मंत्री यह बताने की कृपा करेंगे कि-

(क) क्या पलवल-दिल्ली सेक्शन पर रेल टिकटों की पुनः बिक्री होती थी,

(ख) क्या इन टिकटों को पुनः बेचने वाले लोगों में रेलवे के कुछ अल्प कर्मचारी भी शामिल थे; और

(ग) क्या पलवल-दिल्ली पेमेंजर्म् एंड जनरल बैलफेयर एसोसिएशन ने टिकटों की पुनः अवैध रूप में बिक्री के बारे में शिकायत की थी और यदि हाँ, तो दोषी पाये गये व्यक्तियों के विरुद्ध क्या कार्यवाही की गई है?

रेल मंत्रालय में उपमन्त्री (श्री बृटा सिंह) : (क) और (ख). पलवल-दिल्ली खण्ड पर, रेल कर्मचारियों की मिली भगत से अथवा उसके बिना, रेलवे टिकटों की दोबारा बिक्री किये जाने का कोई मामला नोटिस में नहीं आया है।

(ग) पलवल-दिल्ली पेमेंजर्म् एंड जनरल बैलफेयर एसोसिएशन की ओर से 2880-LS-4

ऐसी कोई शिकायत नहीं मिली, जिसमें रेलवे टिकटों की गैर कानूनी बिक्री का आरोप लगाया गया हो। किन्तु माननीय संसद सदस्य की ओर से एक शिकायत प्राप्त हुई है जिसमें यह आरोप लगाया गया है कि दिल्ली बिजली सप्लाई उपकरण का एक कर्मचारी पलवल स्टेशन पर टिकट इकट्ठे करना है और फिर उन्हें मध्यवर्ती स्टेशनों के बुकिंग क्लर्कों को दोबारा बिक्री के लिए बाट देता है। अब तक की गयी जांच से ऐसा किसी कदाचार का प्रमाण नहीं मिला है। तथापि कुछ और जांच पड़ताल की जा रही है।

Oil Drilling by O.&N.G.C.

195. SHRI CHANDRA SHEKHAR SINGH: Will the Minister of PETROLEUM be please to state:

(a) the places where oil drilling is in progress, at present by the Oil and Natural Gas Commission;

(b) whether the Oil and Natural Gas Commission has decided to commence drilling at Chargola;

(c) if so, the facts thereof; and

(d) which are the other places selected for oil drilling during the year?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): (a) Oil and Natural Gas Commission is at present conducting drilling operations for oil in Ankleswar, Ahmedabad, Mehसाना, Nawagam and Cambay areas in Gujarat; Bakulala area in West Bengal; Sibsagar District and Garo Hills in Assam; Baramura in Tripura; Jaisalmer area in Rajasthan; and Karaikal area in Tamil Nadu, on-land, and the Bombay-High Offshore area adjoining the Gulf of Cambay.

(b) Yes, Sir.

(c) A location for drilling a well on Chargola structure has already been released. Construction of approach

road and preparation of site at this location are in progress.

(d) ONGC is planning to undertake drilling in Jawalamukhi/Rameshahr area in Himachal Pradesh, Narabal in Srinagar Valley, Lakshmi-Kantpur in West Bengal, Puranpur in U.P., Laximijan, Charali and Cachar areas in Assam, and Gojalia in Tripura during the year 1976-77.

Direct Subsidy to the Fertilizers Manufacturers

196. SHRI Y. ESWARA REDDY: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether the fertilizer manufacturers have sought for direct subsidy apart from relief in excise duty and sales tax; and

(b) if so, the facts and reasons thereof and Government's reaction thereto?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C P MAJHI) (a) and (b). Representations have been received from some of the fertilizer manufacturers seeking relief to offset the increase in the price of fuel oil by Rs. 120 per KL with effect from 1-12-1975. Some manufacturers have also sought relief from excise duty in view of the losses reportedly incurred by them in the manufacture of certain products. No decision has yet been taken on these representations.

Expansion of Hindustan Petroleum Corporation

197. SHRI Y. ESWARA REDDY: Will the Minister of PETROLEUM be pleased to state:

(a) whether Government have worked out a composite expansion programme for Hindustan Petroleum Corporation with a view to increasing capacity of its refinery; and

(b) if so, the broad features thereof?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): (a) and (b). Government sanctioned in May 1976 a project for debottlenecking the existing catalytic cracking unit and building a new vacuum unit, at an estimated cost of Rs. 4.3 crores, for increasing the secondary processing facility at the Fuel refinery.

The expansion of the Lube Refinery from the present capacity of 2.80 lakhs tonnes to 4.15 lakhs tonnes at an estimated cost of Rs. 10 crores, is presently under the consideration of Government.

Government have also received a proposal from the Hindustan Petroleum Corporation for expanding the capacity of the Fuel Refinery from the present level of 3.5 million tonnes to 6.0 million tonnes, at an estimated cost of Rs. 15.18 crores.

Oil Exploration by O & N.G.C.

198. SHRI D. D. DESAI:

SHRI P. GANGADEB:

Will the Minister of PETROLEUM be pleased to state:

(a) whether there have been favourable developments in oil exploration in the recent past;

(b) whether the oil exploration plan is to be speeded up by doubling the plan outlay for O & N.G.C.; and

(c) if so, the main features thereof?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): (a) Yes, Sir. In addition to the on land fields in Gujarat and Assam, oil has been discovered in the offshore Bombay High area which is expected to be put on production in April 1978.

(b) and (c) Yes, Sir, as against the original 5th Plan outlay of Rs. 420 crores, the revised Plan outlay is Rs. 1110 crores. During the Plan period, it is proposed to establish additional

recoverable reserves of 70—100 million tonnes. The annual production of crude oil will increase from 4.52 million tonnes in 1974-75 to 10.95 million tonnes in 1978-79. Exploration work will be intensified in Punjab Basin, Ganga Valley, West Bengal Tiipura, etc. as also in the offshore areas.

Enquiry against IJMA and Hastings Mills Ltd., Calcutta by METP Commission

199. SHRI C. K. CHANDRAPPAN. Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Monopolies and Restrictive Trade Practices Commission has instituted an enquiry against IJMA and Hastings Mills Ltd., Calcutta; and

(b) if so, the reasons therefor and the findings of the enquiry?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDA-BRATA BARUA): (a) Yes, Sir.

(b) The inquiry has been instituted by the Commission under section 10(a) (iv) read with Section 37 of the MRTP Act, 1969 for inquiring into a restrictive trade practice alleged to be indulged in by the IJMA and Hastings Mills Limited, Calcutta, in pursuance of a scheme formulated by the former and acted upon by member Jute Mills. The scheme provides, *inter-alia*, for—

(i) reducing the production of jute goods by 15 per cent of the installed spinning frames; and

(ii) regulating and controlling the production of jute goods in various other forms as laid down in the scheme

The enquiry before the Commission is at the pleadings' stage.

Amendment of Child Marriage Restraint Act

200. SHRI C. K. CHANDRAPPAN: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government are considering to amend the Child Marriage Restraint Act, and

(b) if so, the salient features thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD): (a) and (b) Certain proposals for amending the Child Marriage Restraint Act such as raising the minimum age for marriage in the case of boys and girls and enhancing the penalties for offences under the Act are under examination of the Government.

Registration of Multinational Companies

201 SHRI PRIYA RANJAN DAS MUNSI Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state: how many proposals for registration of multinational companies were finalised during 1974-75 and 1975-76 upto December, 1975?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDA-BRATA BARUA) During the financial year 1974-75 six multinational companies were reported to have established places of business (i.e., branches) in India. One of these branches has since ceased operating in India. During 1975-76 (i.e., from 1-4-1975 to 31-12-1975) two more multinational companies established places of business in India. As required under Section 592 of the Companies Act, these companies have delivered the required documents to the Registrar of Companies for registration.

**Violation of Companies Rules by
Coca-Cola Company and Dunlop
India Limited**

202. SHRI PRIYA RANJAN DAS MUNSI: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether any investigation has since been made by his Ministry about the violation of Companies Rules and Regulations by Coca-Cola Company and Dunlop India Limited; and

(b) if so, the nature of those violations?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDA-BRATA BARUA). (a) It is presumed that the first company referred to in the question is the Coca-Cola Export Corporation. No investigation has been made in the cases of Coca Cola Export Corporation and Dunlop India Ltd., under the provisions of the Companies Act, 1956

(b) Does not arise.

Prices of Drugs Imported by S.T.C.

203. SHRI K. S. CHAVDA: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state

(a) the basis and rationale on which the prices of drugs and pharmaceuticals imported by State Trading Corporation are fixed by Government and a margin of 17½ per cent including handling charges on trading activities is allowed, when the profit on bulk drug manufacturing activity is restricted to only 10 to 12 per cent;

(b) whether it is ensured that the prices contracted for by State Trading Corporation are competitive and the product imported of the best quality and from dependable source;

(c) what were the imports of drugs pharmaceutical intermediates by

State Trading Corporation during the last three years, item-wise, their CIF price, supply price and total profit or loss out of this supply; and

(d) the nature of complaints received relating to these supplies and the action taken on these complaints?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI):

(a) STC work out the ex-godown prices in respect of canalised items on the basis of a formula approved by the Pricing Committee of the CCI & E, which is as follows.—

- (1) Cif. price
- (2) Customs duty
- (3) Clearance charges at 2½ per cent of cif price
- (4) Landed cost — 1 + 2 + 3
- (5) L/C opening charges plus voyage interest at 2 per cent of cif
- (6) Distribution charges at 6½ per cent of landed cost
- (7) STC's margin at 5 per cent on cif cost
- (8) Total of 4 to 7 = Ex-godown price.

The ex-godown price worked out by STC for each drug item is submitted to the BICP who scrutinise the same and then send their recommendations. Based on the recommendation of the BICP, Government fix the prices of STC drug item. STC have agreed to reduce its margin of 5 per cent on cif to 4 per cent on cif with effect from 1st April, 1976. Prices of locally manufactured bulk drugs are fixed on the basis of scrutiny/examination conducted by the BICP in accordance with the provisions of the Drugs (Prices Control) Order, 1970, and generally a return of 15 per cent on capital employed is given to such manufacturers.

(b) Purchases are contracted by STC at competitive prices by importing the drug items/chemicals against

tender enquiries floated to the best manufacturers/suppliers in the world market. STC apply their commercial judgement in making such purchases, keeping quality as the main criterion. It is mandatory under the Drugs and Cosmetics Act that all drugs imported by STC are tested by the office of the Drugs Controller, (India), at the port and approved before they are distributed. These tests ensure that the drugs imported and distributed conform to the prescribed pharmacopoeial standards.

(c) A statement indicating item-wise purchases made by STC in terms of quantity and value during the last 3 years viz 1973-74, 1974-75 and 1975-76 (upto 19-2-1976) is laid on the Table of the House [Placed in Library Ser No. LT 10387/76] Drugs canalised through STC are supplied by them at prices fixed by Government under the provisions of Drugs (Prices Control) Order, 1970, from time to time

(d) Representations are received in the Ministry from time to time asking for more allocations of canalised items, over the entitlements as per policy decided by the Government delay in supply etc. These are examined in this Ministry on merits and suitable instructions are issued to the STC who also carry out the instructions promptly.

Manufacture of drugs by Foreign Firms without proper approval

204 SHRI K S CHAVDA WHI (b) Minister of CHEMICALS AND FERTILIZERS be pleased to state

(a) in how many cases during the last three years, Government have accorded price approval for manufacture of drug formulations by foreign firms with more than 26 per cent equity without industrial licence/approval including name of the company, item and their composition; and

(b) whether Government proposes to withdraw all such approvals forthwith?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C P. MAJHI) (a) and (b) Price approvals are accorded by the Government under the provisions of Drugs (Prices Control) Order, 1970. Drugs (Prices Control) Order, do not provide that companies seeking price approvals submit an industrial licence as a condition precedent to price approval. Any company selling drugs can seek price approvals under the provisions of Drugs (Prices Control) Order. These companies may belong to any one of the following categories —

- (1) small scale manufacturers who do not require any licence whatsoever;
- (2) companies manufacturing drugs on loan licence basis where again industrial licence may not be required by the companies selling drugs,
- (3) drug units in the organised sector,
- (4) trading companies engaged in purchase/sale of drugs

Drug manufacturing units with an annual turnover not exceeding 50 lakhs of Rupees as recorded in the last accounting period are exempted from the purview of Drugs (Prices Control) Order

In view of the above legal position, Government were according approvals of prices to the companies without production of industrial licences. Despite the above, the procedure of examination of pricing applications has now been altered and Government is insisting upon production of valid industrial approvals by the applicants before according approval to the pricing applications. In this context price approvals for some of the companies have been withheld for effecting the above check

The question of withdrawing any price approval already accorded will not arise under the Drugs (Prices Control) Order. However, action to check unauthorised production or excess production by defaulting units will be taken after a decision on the recommendations of the Committee on Drugs and Pharmaceuticals Industry has been taken.

Proposal of May & Bakers for associating Indian Capital

205 SHRI K S CHAVDA Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state

(a) was May & Baker's proposal for association of Indian capital in the year 1965 in response to any Government direction in this regard committed and if so the reference in particular of Government order, and what were the terms of association of Indian capital offered by the company and approved by Government,

(b) whether the decision on reduction of equity and association of Indian capital was not communicated to the company and if so what is the effect on foreign exchange position/reserves of the company due to non-communication of the decision and who are the officers responsible for this,

(c) whether the decision of the Foreign Investment Board cannot be communicated to the company now, and

(d) whether this matter has been referred to the CBI and if so, what is the present position vis-a-vis the result of investigations?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C P MAJHI)

(a) While considering an application submitted by M/s May and Baker Ltd for import of capital goods during 1961-62 on a 'No Charge basis' the question of associating Indian capital came up. The relevant file has been misplaced and as such, further details are not available.

(b) to (d). The decision of the Foreign Agreement Committee, it appears, has not been communicated to the party. The file concerning the associating of Indian capital has been missing. Since all efforts including enquiry in the Ministry failed to trace the file, CBI was requested to investigate into the case. CBI has informed that the loss of file per se does not disclose any criminal offence and as such they have not agreed to take up the investigation of the matter.

In regard to loss of foreign exchange to the country or effect on foreign exchange position/reserves of the company in not conveying the decision of FAC it is not feasible to work out any figure since the terms like payment of royalty, technical know-how fee and goodwill were to be sorted out subsequently as per the decision of FAC and also that foreign equity was to be brought down to 60 per cent in stages within 8 years.

Unauthorised Production by Foreign Firms

20 SHRI K S CHAVDA Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state

(a) the foreign firms with more than 26 per cent equity who achieved unauthorised production and what was the outflow of foreign exchange directly and indirectly in case of each firm for the last three years,

(b) the particulars of actual bulk drug and formulation production expressing as a percentage of company's total turnover for drugs, both for the company itself and its associated companies if any in assessing the company's turnover and the turnover of the associate companies,

(c) the anticipated turnover of the companies on implementation of all projects for which they hold approvals; and

(d) the total outflow of foreign exchange and raw materials by way of their present applications and other letters of intent/industrial licences held by them?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI): (a) to (d). The Committee on Drugs and Pharmaceuticals Industry had gone into various aspects of drug industry and their report which was submitted on 6th April, 1975, is presently under consideration of the Government. The Committee has made recommendations on take-over of foreign companies, dilution of foreign equity to 40 per cent and to 26 per cent in stages, regularisation of excess capacity etc. Any further effort to collect more elaborate information would not be commensurate with the results to be achieved.

Permitting private agencies for oil exploration

207. SHRI SHASHI BHUSHAN: Will the Minister of PETROLEUM be pleased to state:

(a) whether there is a proposal to allot to agencies, other than Government agencies, the work of exploration of oil in various parts of the country; and

(b) if so, the particulars thereof and the terms and conditions of assigning such work to these agencies?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): (a) and (b). Except for the Assam Oil Company which is operating in a limited area in Assam and Oil India Limited (a 50.50 joint venture of Government and the Burmah Oil Company) which again is operating in a small area in Assam and Arunachal Pradesh, there is no private agency doing onshore oil exploration in our country. Our continental Shelf has been divided into ten basins out of which, the Bombay High basin has been reserved for

ONGC exclusively for oil exploration and production. Out of the remaining areas thrown open for bids by foreign contractors, contracts have been signed with Carlsberg India Group for the Bengal-Orissa basin with the Reading and Bates Group for the Kutch basin for offshore oil exploration and production. The main terms of the aforesaid two contracts were given in a statement laid on the Table of the House in reply to Starred Question No. 30 answered on July 23, 1974. A similar contract with improved terms has recently been signed with the Asamera Group for the Cauvery offshore basin. The initial participation of ONGC in the contract is to the extent of 35 per cent and on commercial discovery of oil, the Commission will have the right to increase its participation by another 15 per cent. Exploration drilling is in progress in the Kutch and the Bengal-Orissa basins. Geophysical surveys are in progress in the Cauvery basin.

Ticketless travelling during the last six months

208. SHRI VIRBHADRA SINGH:
SHRI SHIV KUMAR
SHASTRI:

Will the Minister of RAILWAYS be pleased to state:

(a) the number of persons arrested during the last six months, month-wise, for travelling without tickets in Railways; and

(b) the steps taken for checking this menace?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) Month-wise figures of the number of persons apprehended for travelling without tickets or with improper tickets, number of persons prosecuted and number of persons sent to jail during the period

August, 1975 to January 1976 are as follows:—

Month	Number of persons apprehended travelling without tickets or with improper tickets	Number of persons prosecuted	Number of persons sent to jail
Aug '75	2,37,028	33,075	21,522
Sep '75	2,22,716	30,018	20,777
Oct. '75	2,07,663	25,411	17,266
Nov. '75	1,86,674	19,413	13,157
Dec. '75	1,87,632	20,885	13,242
Jan. '76	1,98,732	23,164	14,169
To Al	12,40,415	1,51,996	1,03,133

(b) The specific steps that are being taken to prevent the loss of revenue on account of ticketless travel are indicated below —

- (1) The minimum penalty provided in the Indian Railways Act for ticketless travel was enhanced with effect from 10th June, 1969 from 50 paise to Rs 10 so as to serve as an effective deterrent to ticketless travellers
- (2) Special massive checks against ticketless travel are being conducted by mobilising a large force of ticket checking staff, Railway Protection Force, Government Railway Police personnel and Local Police personnel.
- (3) Joint drives against ticketless travel are conducted in co-ordination with the State Governments
- (4) Educative propaganda against ticketless travel is carried out among the public particularly among the student community
- (5) The non-official Standing Voluntary Help Committee, functioning in the Ministry of Railways, is also associated in the drives against ticketless travel
- (6) The drives against ticketless travel have been intensified since the declaration of Emergency. Apart from normal ticket checking activities, about 54,442 special checks were conducted during the period from 1st July, 1975 to 31st January, 1976 all over the railways. To the maximum extent possible, the ticket checking parties were accompanied by Magistrates so that the apprehended ticketless travellers could be prosecuted and fined or jailed. A number of checks were conducted under the supervision of Minister of State for Railways, the Deputy Minister for Railways, Member Traffic, Railway Board, Additional Member Traffic, Railway Board and senior officers of the Zonal Railways.

Seismic survey in Bombay High

209. SHRI P. GANGADEB: Will the Minister of PETROLEUM be pleased to state;

(a) whether results of the seismic surveys conducted in the Bombay High and the areas to the West, North West and South West of Bombay High have been processed; and

(b) if so, the outcome thereof?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): (a) and (b). Results of seismic surveys conducted in the Bombay High having been found to be satisfactory, drilling of exploratory/development wells taken up in that area has been continuing. The data collected in the areas to the West, North-West and South-West of Bombay High, are presently being processed. The results will be known only after the data are processed and interpreted.

Opening of Jhanjharpur-Andhrathari section for traffic

210. SHRI BHOGENDRA JHA: Will the Minister of RAILWAYS be pleased to refer to the reply given to Unstarred Question No. 555 on 13th January, 1976 regarding extension of broad gauge line from Samastipur to Raxaul via Darbhanga and state:

(a) whether any exact date or time-schedule for opening the Jhanjharpur-Andhrathari section of the Jhanjharpur-Loukahabazar line has since been finalised, if so, facts thereof;

(b) what is the exact time-schedule for completion of the remaining section of the line; and

(c) whether any final reply about land and earthwork has since been received from the Government of Bihar and estimate sanctioned for the Sakri-Hasanpur line and for bigger bridges at Jhanjharpur and Thalwara, if so, facts thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) Not yet.

(b) No time-schedule has been fixed.

(c) Final reply from the Government of Bihar for bearing the cost of land and earthwork for Hasanpur-Sakri Project is awaited. Estimate for Hasanpur-Sakri line can be sanctioned after the finalisation of the financial arrangements regarding their participation in the construction of the line with the State Government.

The question of providing bigger bridges at Jhanjharpur and Thalwara is under consideration in consultation with the Bihar State Government and other concerned authorities.

Survey for Samastipur-Darbhanga metre gauge line into broad gauge

211. SHRI BHOGENDRA JHA: Will the Minister of RAILWAYS be pleased to refer to the reply given to the Unstarred Question No. 555 on 13th January, 1976 regarding extension of broad gauge line from Samastipur to Raxaul via Darbhanga and state:

(a) whether final location engineering survey for preparing a revised estimate for converting Samastipur-Darbhanga Metre Gauge line into Broad Gauge line has since been completed;

(b) if so, facts thereof and if not, reasons for delay and the exact time schedule for the same and for beginning the construction work; and

(c) the need for preparing the revised estimate and what is the estimate which has to be revised?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) survey is still in progress.

(b) and (c). The section suffered heavy damage during the floods in successive years, i.e., in 1974 and 1975, necessitating a review of the waterways and formation levels. The survey is therefore being carried out to assess the revised waterways and formation levels. The survey is likely to be completed by April 1976. The construction work on this scheme will be taken up after the revised estimates are sanctioned.

Establishment of Fertilizer Factories during Fifth Plan

212. SHRI S M BANERJEE, Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state

(a) whether more fertilizer factories are to be established during Fifth Plan;

(b) if so, number of such units; and

(c) number of those to be set up in public sector?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C P MAJHI)

(a) to (c) In addition to the units under operation since the commencement of the Fifth Plan, four new plants have been commissioned viz., SPIC (Tuticorin), IFFCO (Kalol and Kandla), FCI (Gorakhpur Expansion) and Kota (Expansion). Thirteen other projects which were taken up for implementation earlier are also expected to be in production during the Fifth Plan.

In addition, three large sized fertilizer plants are being set up in the public sector at Bhatinda, Panipat and Trombay and two in the co-operative sector at Phulpur (U.P.) and at Tarapore (Maharashtra).

Letters of intent have also been issued for development of capacities in the private sector at Kakinada

(Andhra Pradesh), GSFC Expansion (Baroda), Ennore (Tamil Nadu) and Kota Expansion (Rajasthan).

रेल कर्मचारियों को बहाल न करने का निर्णय

213. श्री रामावतार शास्त्री : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने कुछ ऐसे कर्मचारियों को, जिन्होंने 1974 की रेल हड़ताल में भाग लिया था, पुनः सेवा में न लेने का निर्णय किया है; और

(ख) यदि हाँ, तो उनके नाम क्या हैं और उनको बहाल न करने के क्या कारण हैं ?

रेल मंत्रालय में उपमंत्री (श्री बूटा सिंह) :

(क) और (ख) सरकार पहले ही अपनी यह नीति घोषित कर चुकी है कि जो कर्मचारी हिंसा, तोड़ फोड़ या डराने धमकाने की कार्यवाहियों में शामिल नहीं थे, उन्हें व्यक्तिगत रूप से अपील करने पर काम पर वापिस ले लिया जायेगा। इस नीति पर अमल किया जा रहा है।

बिहार माटिनलाइट रेलवे मजदूर कांग्रेस द्वारा ज्ञापन

214. श्री रामावतार शास्त्री : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बिहार माटिनलाइट रेलवे मजदूर कांग्रेस, आग ने उनके पास कोई ज्ञापन भेजा है; और

(ख) यदि हाँ, तो सरकार ने इन समस्याओं का हल निकालने के लिये क्या कार्यवाही की है ?

रेल मंत्रालय में उपमंत्री (श्री बूटा सिंह) : (क) जी हाँ।

(ख) धन की कमी के कारण कम्पनी अपने कर्मचारियों को दिसम्बर, 1975 और जनवरी, 1976 का वेतन न दे सकी। 6/7-2-1976 की मध्यराति से कर्मचारियों ने काम बंद कर दिया। 25-2-1976 को केन्द्रीय सरकार ने कम्पनी को 3,61,366.85 रुपये की आर्थिक सहायता दी है और 27-2-1976 को कम्पनी ने कर्मचारियों से काम पर आने और अपना भुगतान लेने का नोटिस जारी किया है। कम्पनी के निदेशक मंडल में सरकारी प्रतिनिधि से एक विस्तृत रिपोर्ट मांगी गयी है और रिपोर्ट मिलने पर आगे कार्रवाई की जायेगी।

नारायणपुर तथा थाना बीहपुर के बीच भू-कटाव से रेल लाइन को खतरा

215. श्री ज्ञानेश्वर प्रसाद यादव : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) कामांगा नदी के भू-कटाव के कारण पूर्वोत्तर रेलवे के नारायणपुर तथा थाना बीहपुर के बीच रेल लाइन को खतरा पैदा हो गया है;

(ख) क्या इस संबंध में स्थानीय जनता तथा जन प्रतिनिधियों ने इस ओर सरकार का ध्यान आकृष्ट किया है; और

(ग) यदि हां, तो इस संबंध में सरकार का विचार क्या कदम उठाने का है?

रेल मंत्रालय में उपमंत्री (श्री बूटा सिंह) : (क) जी हां।

(ख) जी हां।

(ग) रेल यातायात अस्तव्यस्त न हो, इसलिए एक सहायक लाइन की व्यवस्था करने के प्रस्ताव पर विचार किया जा रहा है।

बरीनी-कटिहार रेलवे लाइन को बड़ी लाइन में बदलना

216. श्री ज्ञानेश्वर प्रसाद यादव : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या पूर्वोत्तर रेलवे के बरीनी जंक्शन और कटिहार के बीच मीटर गेज लाइन को ब्राड गेज लाइन में बदलने सम्बन्धी सर्वेक्षण कार्य पूरा हो गया है; और

(ख) यदि हां, तो क्या सरकार का विचार चालू वर्ष में उक्त परिवर्तन कार्य पूरा कर लेने का है?

रेल मंत्रालय में उपमंत्री (श्री बूटा सिंह) : (क) और (ख). बरीनी-कटिहार मीटर लाइन खण्ड को बड़ी लाइन में बदलने के लिए प्रारम्भिक इंजीनियरी एवं-यातायात सर्वेक्षण किये गये हैं। इस परियोजना को शुरू करने के प्रश्न पर अभी विचार किया जायेगा जब वाराणसी-समस्तीपुर खण्ड के आमान परिवर्तन के काम में जो कि एक स्वीकृत योजना है, यथोचित प्रगति हो जायेगी।

जबलपुर तथा रायपुर सम्भागों में हरिजनों तथा आदिवासियों को उर्वरक विक्रय एजेंसियों का आवंटन

217. श्री हुकम चन्द कछवाय : क्या रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) इस समय जबलपुर तथा रायपुर सम्भाग में कितने हरिजन तथा आदिवासियों को उर्वरक बेचने की एजेंसियां दी गई हैं और ये एजेंसियां किन-तारीखों से आवंटित की गयीं;

(ख) क्या हरिजनों और आदिवासियों की आवंटित की गई एजेंसियां इस श्रेणी में

न जाने वाले अन्य व्यक्तियों द्वारा चलाई जा रही हैं; और

(ग) आदिवासियों तथा हरिजनों को एजेंसियां आर्बिट्रित करने के कितने आदेश पत्र विचाराधीन हैं और उन पर कब तक अन्तिम निर्णय लिये जाने की आशा है और तत्सम्बन्धी कर्तव्य क्या हैं ?

रसायन और उर्वरक मंत्रालय में उपमंत्री (श्री सी० पी० माझी) : (क) में (ग) सूचना एकत्र की जा रही है और सभा पटल पर रख दी जायेगी।

Manufacture of Sulphuric Acid

218. SHRI KUMAR MAJHI: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether any proposals are pending in his Ministry for manufacturing Sulphuric Acid; and

(b) if so, what is the present position?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI): (a) and (b). There are 12 proposals pending at present. Some of these include the manufacture of other items like Single superphosphate, Triple Superphosphate and Sodium sulphate etc. in addition to sulphuric acid. These proposals are being processed

Restrictions on Season (Monthly) Ticket holders to entrain express trains between Asansol-Howrah, Katwa-Howrah

219. SHRI SAROJ MUKHERJEE: Will the Minister of RAILWAYS be pleased to state:

(a) whether the Eastern Zonal Railway authority has issued notification to the effect that the daily passengers holding season (monthly) tickets, will not be allowed to entrain any express train between Asansol-Howrah, Katwa-Howrah, Rampurhat-Howrah and some other routes, if so, the reasons therefor;

(b) whether the said authority has issued notification to stop any break in journey by the Season ticket holders between those railway stations; and

(c) whether these new steps will cause immense hardship to the season ticket holders and if so, whether it is proposed to withdraw these notifications?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) to (c). Yes, the Eastern Railway Administration had notified to revise, with effect from 18-2-76, the rules regarding use of season tickets by imposing restriction on travelling by Mail/Express trains on the Suburban sections and also withdrawing the facility of break of journey and extension of journey on season tickets. These restrictions were considered necessary not only in the interest of the convenience of long distance passengers travelling by Mail/Express trains, but also to make the position of ordinary single journey ticket holders, who pay comparatively much more than the season ticket holders, at par with the latter. Since break of journey is not allowed on ordinary single journey tickets over distances for which season tickets are issued and since a passenger travelling in second class by Mail/Express trains had to pay higher fare than by ordinary trains, it was considered that the holders of season tickets, which are issued at a very much concessional rate, as compared to ordinary single journey tickets, should not have the facility of break of journey or travelling by Mail/Express trains, particularly over the suburban sections where a large number of suburban trains are already available.

However, enforcement of these revised rules have been kept in abeyance and the matter is under review

“बम्बई हाई” में तेल की खुदाई कार्य में प्रगति

220. श्री शिव कुमार शास्त्री : क्या पेट्रोलियम और रसायन मंत्री यह बनाने की कृपा करेंगे कि

(क) ‘बम्बई हाई’ में तेल के कुओं की खुदाई के कार्य में क्या प्रगति हुई है और उनसे कितने अशोधित तेल का उत्पादन हुआ है, और

(ख) उनमें कितना अशोधित तेल प्राप्त होने की आशा है तथा अमरिका में आयातित शेतान दौआ नामक खुदाई रिंग के चाल हो जाने के परिणामस्वरूप उस कार्य में कितनी और प्रगति होने की सम्भावना है ?

पेट्रोलियम मंत्री (श्री के० डी० माल-बी०) (क) और (ख) बम्बई हाई में 12 अन्वेषी क्राँ और 4 विगम क्राँ की खुदाई की गई है। इस वर्ष के दौरान कुछ और विकास क्राँ की खुदाई की जायेगी। तेल का उत्पादन अप्रैल 1976 में प्रारम्भ होगा 1976 के अन्त तक 1.5 से 20 मी० टन प्रति वर्ष की दर से बढ़ि हाने की आशा है।

बम्बई हाई से 1976-77 के दौरान वास्तविक उत्पादन एक मी० टन होगा।

शेतानदश तेल एवं राष्ट्रिय गैस आयोग द्वारा किराये पर लिया हुआ एक जैक अप ड्रिलिंग प्लेटफार्म है और इसे बम्बई हाई में तेल और प्राकृतिक गैस आयोग की अपनी जैक अप ड्रिलिंग सागर सम्राट के साथ खुदाई के विकास कार्यों को बढ़ाने के लिए लगाया जायेगा।

Railway Line from Dharam Nagar to Agartala

221 SHRI DASARATHA DEB Will the Minister of RAILWAYS be pleased to state

(a) the progress of constructing railway line from Dharmannagar to Agartala in Tripura,

(b) whether the construction work is likely to be taken up during the period of Fifth Five Year Plan, and

(c) whether in view of the good prospect of Oil and Natural Gas in Balamura (Tripura), Government propose to give utmost priority to link up Agartala with the rest of India by railway line?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH) (a) to (c) Surveys for the construction of a rail line from Dharmannagar to Agartala, carried out in 1969-70 revealed that the proposed rail link will cost about Rs 52 crores and yield a return of (-) 125 per cent in the 6th year. In view of the prevailing difficult financial position of Railways construction of Dharmannagar to Agartala rail link was included in Railways budget (1973-74) to be taken up subject to the funds being made available by the North Eastern Council. The project could not be taken up as the requisite funds have not yet been provided by the North Eastern Council. It has not been possible to take up the construction of the proposed rail link from Dharmannagar to Agartala at the cost of the Railways on account of the very limited availability of funds. Proposals are however under consideration for providing rail links between Azampur in Bangladesh and Agartala in India and from Belonia Railway Station in Bangladesh to Belonia City in India which will provide a rail link to Tripura with the rest of the country through Bangladesh.

Diesel and Furnace Oil supplied to Gujarat

222. SHRI D. D. DESAI: Will the Minister of PETROLEUM be pleased to state:

(a) the total quantity of diesel, furnace oil and fuel oil supplied to Gujarat in 1974 and 1975; and

(b) whether supply of these materials has been lowered in 1975 and if so, the reasons therefor?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): (a) and (b). Except for kerosene, no quotas for petroleum products are allocated on State-wise basis. A review of the actual sales of these three products in Gujarat during 1974 and 1975 shows that the consumption of high speed diesel oil was more in 1975 as compared to 1974. However, the consumption of light diesel oil and furnace oil was less. Apart from the other reasons, better monsoons in 1975 affected L.D.O. sales. Drop in consumption of furnace oil was mainly brought about by the bulk consumers using alternate fuels like coal and low sulphur heavy stock (LSHS).

12 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER DELIMITATION ACT

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD): I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 11 of the Delimitation Act, 1972:—

- (i) S.O. 64(E) published in Gazette of India dated the 27th January, 1976 making certain corrections in Delimitation Commission's Order No. 2 dated the 31st May, 1973 in respect

of the State of Nagaland.

- (ii) S.O. 71(E) published in Gazette of India dated the 31st January, 1976 making certain corrections in Delimitation Commission's Order No. 31 dated the 1st January, 1975 in respect of the State of Tamil Nadu.
- (iii) S.O. 109(E) published in Gazette of India dated the 13th February, 1976 making certain corrections in Delimitation Commission's Order No. 40 dated the 28th April, 1975 in respect of the Union Territory of Delhi. [Placed in Library. See No. LT-10383/76].

RAILWAYS RED TARIFF (THIRD AMENDMENT) RULES

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): I beg to lay on the Table a copy of the Railways Red Tariff (Third Amendment) Rules, 1976 (Hindi and English versions) published in Notification No. G.S.R. 148 in Gazette of India dated the 31st January, 1976, issued under section 47 of the Indian Railways Act, 1890. [Placed in Library. See No. LT-10384/76].

NOTIFICATIONS UNDER UNIVERSITY GRANTS COMMISSION ACT AND INDIAN MUSEUM ACT

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (SHRI D. P. YADAV): I beg to lay on the Table—

- (1) A copy of the University Grants Commission (Disqualification Retirement and Conditions of Service of Members) Amendment Rules, 1976 (Hindi and English versions) published in Notification No. G.S.R. 115 in Gazette of India dated the 24th January, 1976, under sub-section (3) of section 25 of the University Grants Commission Act, 1956. [Placed in Library. See No. LT-10385/76].

(2) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 15A of the Indian Museum Act, 1910:—

- (i) The Indian Museum (Amendment) Rules, 1976, published in Notification No. G.S.R. 218 in Gazette of India dated the 14th February, 1976.
- (ii) The Custody and Handling of Exhibits in the Indian Museum Calcutta (Amendment) Rules, 1976, published in Notification No. G.S.R. 219 in Gazette of India dated the 14th February, 1976. [Placed in Library. See No. LT-10386/76.]

12.02 hrs.

ASSENT TO BILLS

SECRETARY-GENERAL: Sir, I lay on the Table following seven Bills passed by the Houses of Parliament during the last session and assented to since a report was last made to the House on the 30th January, 1976:—

1. The Delhi Land Holdings (Ceiling) Amendment Bill, 1976.
2. The Nagaland Appropriation Bill, 1976.
3. The Pondicherry Appropriation Bill, 1976.
4. The Regional Rural Banks Bill, 1976.
5. The Payment of Bonus (Amendment) Bill, 1976.
6. The Urban Land (Ceiling and Regulation) Bill, 1976.
7. The Prevention of Food Adulteration (Amendment) Bill, 1976.

2. Sir I also lay on the Table copies, duly authenticated by the Secretary-General of Rajya Sabha, of the following twenty Bills passed by the Houses

of Parliament during the last session and assented to since a report was last made to the House on the 30th January, 1976:—

1. The Burmah Shell (Acquisition of Undertakings in India) Bill, 1976.
2. The Delhi Development (Amendment) Bill, 1976.
3. The Election Laws (Extension to Sikkim) Bill, 1976.
4. The Sales Promotion Employees (Conditions of Service) Bill, 1976.
5. The Imports and Exports (Control) Amendment Bill, 1976.
6. The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Bill, 1976.
7. The Maintenance of Internal Security (Amendment) Bill, 1976.
8. The Delhi Rent Control (Amendment) Bill, 1976.
9. The Bonded Labour System (Abolition) Bill, 1976.
10. The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Bill, 1976.
11. The Assam Sillimanite Limited (Acquisition and Transfer of Refractory Plant) Bill, 1976.
12. The Press Council (Repeal) Bill, 1976.
13. The Equal Remuneration Bill, 1976.
14. The Motor Vehicles (Amendment) Bill, 1976.
15. The Prevention of Publication of Objectionable Matter Bill, 1976.
16. The Parliamentary Proceedings (Protection of Publication) Repeal Bill, 1976.

[Secretary-General]

- 17 The Payment of Wages (Amendment) Bill, 1976
- 18 The House of the People (Extension of Duration) Bill, 1976
- 19 The Levy Sugar Price Equalisation Fund Bill 1976
- 20 The Industrial Disputes (Amendment) Bill 1976

1204 hrs

**CALLING ATTENTION TO MATTER
OF URGENT PUBLIC IMPORTANCE**

**BANGLADESH GOVERNMENT'S PRE-CON-
DITION FOR TALKS ON SHARING OF GANGA
WATERS**

SHRI SAMAR MUKHERJEE (Howrah) I call the attention of the Minister of External Affairs to the following matter of urgent public importance and request that he may make a statement thereon

"The reported precondition laid down by the Bangladesh Government for talks on sharing of Ganga Waters and the dilemma arising out of it"

THE MINISTER OF EXTERNAL AFFAIRS (SHRI YESHWANTRAO CHAVAN) As the House is aware an Agreement was concluded at Dacca on 18th April 1975 between the Governments of India and Bangladesh which provided for the operation of the Farakka Barrage and the running of the feeder canal during the lean season last year pending further discussions regarding allocation of the lean season flows of the Ganga between the two countries in terms of the Joint Declaration of the Prime Ministers of India and Bangladesh of 18th May 1974

In their Declaration, the two Prime Ministers took note of the fact that the Farakka Barrage Project would be commissioned before the end of 1974

They recognised that during the periods of minimum flow in the Ganga there might not be enough water to meet the needs of the Calcutta Port and the full requirements of Bangladesh and, therefore, the fair weather flow of the Ganga in the lean months would have to be augmented to meet the requirements of the two countries. It was agreed that the problems should be approached with understanding so that the interests of both the countries are reconciled and the difficulties removed in a spirit of friendship and cooperation. It was accordingly decided that the best means of such augmentation through optimum utilisation of the water resources of the region available to the two countries should be studied by the Joint Rivers Commission for making suitable recommendations to meet the requirements of both the countries

The Government of India have extended an invitation to the Government of Bangladesh to hold talks for the utilisation of the Ganga waters at Farakka during the lean season so that a solution consistent with the legitimate needs and interests of the two countries may be found in a spirit of friendship understanding and cooperation and on the basis of the Joint Declaration of May 1974

The Government of India have drawn attention of the Government of Bangladesh to the fact that discussions regarding allocation of the Ganga waters have always been confined to the lean season from about mid-March to about mid-May for the obvious reason that during the remainder of the year the water flows are plentiful

According to the best information and expert assessment available with the Government of India any withdrawal of the waters of the Ganga in Bangladesh or in India ought not to have any adverse consequences for either country because of the abundance of water throughout the year,

except for the lean season of mid-March to mid-May. In fact, no adverse effects in Bangladesh during the lean season last year were observed by the Indian members of the joint teams of experts that had been set up under the Agreement of 18th April, 1975.

We firmly believe that it would be in the interests of both India and Bangladesh to discuss and settle, without any preconditions, and in a spirit of mutual understanding and constructive cooperation, the problem of the Ganga waters which is one of shortage during the lean season and of flooding for most of the remaining part of the year. The ideal long-term solution to the problem of shortage in the Ganga during the lean months and floods in the region as a whole is to work in wholehearted cooperation in evolving a project or projects which would harness the abundant water resources available in the region for the benefit of the people of both India and Bangladesh.

SHRI SAMAR MUKHERJEE: Mr Speaker, Sir, from the statement of the hon. Minister, it appears that the deadlock has not been lessened though in the statement, it has been stated that the Government have extended an invitation to the Government of Bangladesh to hold talks. Whether this invitation is after their imposition of pre-condition or not, I do not know. Whether it is before that pre-condition or after that, it is not mentioned. So, that must be made categorically clear.

Secondly, I want to know whether the Government is thinking in terms of any other move to resolve the deadlock. Now, we are almost on the eve of a lean period. Today is 9th March. The lean period, according to the calculations, starts from the middle of March. So, if just at this stage the things remain in an

undecided condition, generally, the people are very much concerned and worried about the future of the port of Calcutta.

According to the Agreement made on the 18th April last year, the water released was as follows: between April 21 and 30—11,000 cusecs; between May 1 and 10—12,000 cusecs; between May 11 and 20—15,000 cusecs and between May 21 and 31—16,000 cusecs. But it is admitted by all that, to remove the salinity and siltage, to make the Calcutta port navigable, the minimum requirement is, 40,000 cusecs of water during the lean period. That is admitted by all. The expectations arose because of the last Agreement that, gradually, this will be resolved through further negotiations.

It was also a condition that the Joint River Commission will keep a watch on the effects of the release of waters according to the last Agreement. In the statement, the hon. Minister has stated that the members of the Joint River Commission on the Indian side have observed that there has been no adverse effect. But this is the version of the Indian side. There is no version of the other side. The position is that if this deadlock is not resolved, that is going to seriously affect the Calcutta port.

I would like to quote here from the latest report of the Public Accounts Committee. It says:

"If, for any reason, the discharge of an adequate volume of water estimated by experts at 40,000 cusecs and repeatedly assured by the authorities does not happen, the Committee fear that it will be a grievous blow not only to the Calcutta port but to the entire economy of the wide, populous and productive region abutting on it, as also imperil Haldia's enormous potentialities."

[Shri Samar Mukherjee]

So, the matter is of very serious concern to all and particularly to the eastern region. But from the statement of the Government I don't see much seriousness reflected in it to resolve, the deadlock.

AN HON MEMBER They also don't say that it is a deadlock

SHRI SAMAR MUKHERJEE: It is a deadlock because it imposes a pre-condition

So, you must make the whole position clear. If there is no negotiated settlement, what will be the fate and the position of giving water to the Calcutta port? And if there is delay, there will be further silting and the Calcutta port will be further affected and it would be much more difficult in future to remove that siltage and more water will be necessary. So, this is a very serious issue which requires full and thorough attention and the initiative of the Government of India to resolve it. Efforts must be there from all possible angles and people must be assured, particularly about the future of the Calcutta port.

So, I would like the Minister to enlighten us on the position.

SHRI YESHWANTRAO CHAVAN: I think that in my statement I have given information in such a detailed manner that if you had heard it carefully, there should be no misunderstanding or misconception about the future working of Farakka. We have invested nearly Rs. 156 crores in the project of Farakka and it is really meant for keeping the Calcutta port going; and naturally we are interested in the Farakka Barrage. At the same time, there is certainly a sort of campaign in the Bangladesh papers about the Farakka Barrage—that it has adverse effects on Bangladesh—and the Bangladesh Government has raised certain points. After that, we

sent them an invitation to come and discuss with us because, according to our information and expert opinion, there is no adverse effect at all on Bangladesh due to the drawing of water during the lean season.

As for the Hon Members statement regarding pre-conditions, I am not yet prepared to treat the communication we have received from them as a pre-condition. I think they will be willing to come and discuss the problem with us; I don't want to treat this as a deadlock because we want to have friendly relations and I am sure they will understand the problem and discuss it with us. But I can tell you one thing; there is no question of giving up Farakka under any circumstances.

SHRI DINEN BHATTACHARYYA (Serampore): I have not only heard the Minister but I have read between the lines of his statement. In spite of the assurance given now, I have still some questions to ask. My first question is whether the Bangladesh Government has replied to your invitation up till now or not. Secondly, have you got information from your own source that they will not insist on the pre-condition that you should first stop taking water for the Farakka from the Hooghly and then only they will start discussion? Are they not insisting on this.

My third question is this. There was a clear assurance by the Prime Minister and the then Irrigation Minister Mr. K. L. Rao in the course of discussions with the West Bengal Government where the Chief Minister Mr. Sidhartha Shankar Ray was also present, that 40,000 cusecs of water will be guaranteed for five years at least and, after that, it will be reviewed as to how much water has to be given and to what extent would it be possible to concede the demand for the safety of the Calcutta Port. My question is whether the Government

stands by this assurance even now. And when there was a talk between the Indian Government and the previous Bangladesh Government, the late Mr. Mujibur Rehman also did not say anything contrary to the assurance because it was taken for granted. So many declarations were made that 40,000 cusecs of water will be given even in the lean season. What is the latest position? Does the Government of India still stand by the assurance that was given in 1974, which was afterwards included in the agreement in April 1975? What is the reply of the Minister?

Apart from the Farakka Barrage, the total scheme that was adopted is not yet complete and that is why we find that especially in that region, there is erosion, and there is danger of the whole region being eroded and some sluice gates are necessary in certain places. Government must take care of that also so that there is no flood threat and no erosion. The guaranteed water should also be supplied during the lean season so that the Calcutta Port may be saved.

SHRI YESHWANTRAO CHAVAN: If the hon. Member will read my statement carefully, he will find the answer there. I would request him to study it carefully afterwards.

But I can tell him, since he has also put the question whether they have accepted our invitation or not, that we sent them the invitation on the 11th February, 1976 and we received their reply on the 26th February,

which neither accepts nor rejects the invitation. That is the position as it is.

The major question is about the agreement that was reached last year. I may refer you to the agreement that was reached last year for the allocation for the lean period; please don't forget the important aspects of it.

I don't want to refer to the assurance that was given earlier because I am not dealing with the subject.

SHRI INDRAJIT GUPTA (Alipore): I hope the invitation is still open?

SHRI YESHWANTRAO CHAVAN: Of course; and not only is the invitation open but our attitude is also open on the subject.

12.19 hrs.

BUSINESS ADVISORY COMMITTEE FIFTY-NINTH REPORT

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I beg to move:

"That this House do agree with the Fifty-ninth Report of the Business Advisory Committee presented to the House on the 8th March, 1976".

MR. SPEAKER: The question is:

"That this House do agree with the Fifty-ninth Report of the Business Advisory Committee presented to the House on the 8th March, 1976".

The motion was adopted.

12.20 hrs.

HIGH COURT AT PATNA (ESTABLISHMENT OF A PERMANENT BENCH AT RANCHI) BILL

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD): I beg to move:

"That the Bill to provide for the establishment of a permanent bench of the High Court at Patna at Ranchi, be taken into consideration."

A circuit bench of the Patna High Court was established at Ranchi with effect from 6th March, 1972, under Clause 36 of the Letters Patent of that High Court. The bench was established to meet the needs of adivasi population of the Chota Nagpur area in Bihar. The functioning of the circuit bench was causing considerable difficulties besides involving heavy expenditure. As the reasons for the establishment of a bench at Ranchi continue to exist, the Government of Bihar is very keen that the bench should be made permanent. It is, therefore, proposed to set up a permanent bench of the Patna High Court at Ranchi with its territorial jurisdiction extending over the North Chota Nagpur Division comprising of the districts of Hazaribagh, Giridih and Dhanbad and the South Chota Nagpur Division comprising of the districts of Ranchi, Palamau and Singhbhum. The Chief Justice of the Patna High Court may, however, in his discretion order that any case arising in any such district shall be heard at Patna.

The Bill seeks to achieve the above object.

MR. SPEAKER: Motion moved:

"That the Bill to provide for the establishment of a permanent bench of the High Court at Patna at Ranchi, be taken into consideration."

SHRI SOMNATH CHATTERJEE (Burdwan): The hon. Minister has done us a great service by reading out the Statement of Objects and Reasons. We certainly welcome this Bill. This measure is in the right direction; there is no doubt about it. In a country like ours where there is difficulty about communication and where there are far-flung areas, it is necessary that permanent benches or, at least circuit benches, should be there.

I want to take this opportunity of bringing before this House and of trying to impress upon the Government what an injustice is being done to various parts of the country because of lack of proper facilities to the litigants to approach the courts. I had been to Agartala recently. What is happening there is shocking. Agartala is under the jurisdiction of the Assam High Court. Agartala is a State now. Meghalaya is a State. Manipur is a State. Assam is a State already. There are five States within the jurisdiction of the Assam High Court. And the Assam High Court itself possesses only five judges. Therefore, five judges are to look after five States. When I went to Agartala, they said that two judges of the Assam High Court had come to Agartala only after eight months. Therefore, for eight months, there was no High Court bench in Agartala. I do not know whether the Minister knows about it at all. When these two judges were in Agartala, the Assam High Court had three judges at Gauhati, and one of them was expected to go to Shillong to look after the Meghalaya case. What sort of procedure is this that is being followed in this country? You are trying to take some credit for establishing a permanent bench at Ranchi. Only in Lucknow there is a permanent bench apart from the seat of the High Court, nowhere else do we have that in this country. I am happy that something is being done now.

What about our State, the State of West Bengal? People living in Jalpaiguri, Cooch-Behar and in the whole of North Bengal area have to come all the way to Calcutta. All these people are completely deprived of proper facilities to approach the court. So many friends on the other side were speaking about justice-delayed being justice-denied. But I want to know how many people can even reach the temple of justice. Courts of justice are not even approachable. Therefore, you must have an integrated plan on this. You must think about people. Instead of all these gimmicks here and there from time to time, try to think of the people. Apart from making justice available to the poor and ordinary people, bringing it within their economic means, you must have courts available to them.

What is happening in the subordinate courts? Of course, you may say that the subordinate courts are not under your jurisdiction. There are magistrates who have no court rooms to sit; the Munsifs have no court rooms to sit. The way facilities are given, it has become a joke. I know, you want all these judges to be under your thumb. You do not really care for the people and proper administration of justice. That is why, I was trying to take this opportunity to speak on this; otherwise, I would not have spoken. This is a good measure. According to them, the only circumstances that are supposed to justify this measure are that the maintenance of a circuit bench would mean extra expenditure. That should not be the only test.

DR. V. A. SEYID MUHAMMAD:
 This is mainly for Adivasis.

SHRI SOMNATH CHATTERJEE:
 Very good; you are making this Circuit Bench as Permanent Bench, but one of the reasons said that the functioning of the Circuit Bench meant extra expenses, as if that is the only criterion for deciding whether there

should be a Circuit Bench or a Permanent Bench. I would like to know from the hon. Minister, whether the Government has ever given any thought to it, not only about Bihar—which we welcome very much, but what about West Bengal and Assam. The illustration that I gave, I came to know of it only last month when I was there personally. I was appearing for some Government servants, who have been dismissed, MISA detenus. They have filed their applications five-six months ago and the matters are not coming up because the judges are not there. The MISA detenus have to wait for six-eight months even for getting judges to move the applications. What is the other position? The lawyers and litigants from Agartala will have to go to Gauhati if there is an urgent case. The Advocate General, Assam, told me. Well, I find it extremely difficult. It takes two days by train to reach Gauhati from Agra-tala. These are the sort of facilities you want to give to the people to approach the courts.

I would like to know from the hon. Minister, whether the Government has any plan to set up different Circuit Benches or Permanent Benches in places other than the seats of the High Court. If it means a little expenditure, you should not grudge it. If you want to have a proper legal system which should be taken recourse to or utilised by the common people, you must have these. I would, therefore, request the hon. Minister and, through him, the Government that this matter should be treated on an emergency footing. Let there be emergency on real matters, not a so-called emergency for your own purposes.

SHRI N. E. HORO (Khunti): Mr. Speaker, Sir, I welcome this Bill and endorse the views expressed by Shri Somnath Chatterjee. This is a case where justice was denied for a long time. Now, Government have come with this measure. I am particularly

[Shri N. E. Horo]

happy, but at the same time, I must say that the form in which this Bill has been brought is not a happy one, because that creates a doubt in my mind and I start thinking whether Government after all are sincere about it or not. This is because, we have been demanding a separate permanent Bench of the Patna High Court at Ranchi for obvious reasons and they gave us for some time a Circuit Bench which was not at all suitable and they have found out now that this was not working and have come with this Bill for a permanent Bench. But they have added one sentence by which the entire purpose of this Bill is defeated. You are giving a discretionary power to the Chief Justice of the High Court and he will determine which case has to be decided at Patna and which case has to be decided at Ranchi.

I say, two things have weighed in the minds of the Government. First, there was a consistent demand for a separate Bench at Ranchi not only for Adivasi population, but all other population living in that area. Secondly, there was a vested interest created and political interest created at Patna which has all the time opposed having a separate permanent Bench at Ranchi. While drafting this Bill, it seems, you have accommodated that element which has been objecting to our demand. You are giving wide powers to the Chief Justice of the High Court and he would decide which cases have to be decided at Patna. That is why, I say that most of the cases will again be decided at Patna. What is the use of this permanent Bench? I would rather advise the Government that if you are bringing this Bill in good spirit, delete this proviso that you have added. And if you are not doing it, I would rather say, 'You withdraw this Bill' because it is not going to serve the purpose. This Bill should have come two decades ago and two decades means a lot of time. And during this time millions and millions

of people have been denied justice. Should you wait for a situation like the present emergency to bring such a Bill in order to satisfy the Adivasis and others who are clamouring for it, just in order to keep their mouth shut? I would advise that the Government should be above these things. You should bring it as a clean measure, as an honest measure, that you want to help the people of that area.

As I said, I welcome the Bill but, at the same time, I would request that the wide powers you are going to give to the Chief Justice should be withdrawn and it should be deleted from the Bill.

श्री मूल चन्द डागा (पाली) :
अध्यक्ष महोदय, मैं इस बिल का इस बात के लिए तो स्वागत कर सकता हूँ कि विशेष परिस्थिति में यह प्रोविंसो कायम रखा जाए, लेकिन मैं यह सिफारिश नहीं करता कि हाई कोर्ट की बेंच कायम की जायें। यह बहुत गलत पद्धति होगी और यह कुछ वकीलों के लिए एक रास्ता खोलना है।

इस सम्बन्ध में मेरा यह कहना है कि इस प्रोब्लम को टैकल करने के लिए आप हाई कोर्टों में जजों की संख्या बढ़ा दें। अगर आप जजों की संख्या बढ़ा देंगे तो न्याय वक्त से मिल सकेगा। दूसरी बात यह हो सकती है कि आप काम करने के आवर्स बढ़ा दें और तीसरी बात यह है कि आप अगर एफीशिएंट और ईमानदार जजेज एपाइन्ट करते हैं, तो काम बहुत जल्दी समाप्त होने लगेगा क्योंकि सारी ला कमीशन की रिपोर्टों में यह माना गया है कि यह गलत पद्धति है। मैं ला कमीशन की रिपोर्ट में से पढ़ कर सुनाना चाहता हूँ :

"We had earlier an occasion to make a report on the desirability of the High Court of a State sitting in Benches at different places in the State. We then reached the conclusion that the efficiency of the administration of justice should be the paramount consideration governing this matter and that this consideration weighed overwhelmingly against the creation of Benches of High Courts. The structure and composition of the courts should not be permitted to be influenced by political considerations. That this has happened in the past in certain cases can be no valid ground for the extension of that policy...."

Kindly listen. This is your own Law Commission's report.

"We are of the view that we should firmly set our face against the constitution or creation of Benches. Such a course would lead to an impairment of the efficiency of the High Court with the inevitable consequence of the lowering of the standards of the administration of justice. Since the report was made, we have visited all the principal centres where the High Courts sit and the evidence given before us has confirmed us in the view taken us in that report. We reaffirm the reasons and the conclusions stated in that report in regard to this question."

आज आप बचेज खोलने के लिये कानून बनाने जा रहे हैं। मैं यह पूछना चाहता हूं कि कैसे में डिले क्यों होती हैं? ला कमीशन की चौथी रिपोर्ट में यह कहा गया है :

You know who were the Members of the Law Commission? Mr. Setalvad, Mr. Chagla, Mr. Wanchoo and many other eminent jurists. This is what they had to say:

"In our opinion, the question whether the High Court should sit as

a whole at one place or in Benches at different places has to be considered solely from the point of view of the administration of justice—and political and sentimental considerations have, as far as possible to be excluded. We are firmly of the opinion that in order to maintain the highest standards of administration of justice and to preserve the character and quality of the work at present being done by the High Courts, it is essential that the High Courts should function as a whole and only at one place in the State."

सारे हिन्दुस्तान में कुछ वकील लोग चाहते हैं कि हमें सुविधा हो जाये। सिर्फ चन्द आदमी हाई कोर्ट में जाते हैं। इन वकीलों को शिकायत हो सकती है।

प्रोविंसो आपने क्यों बना दिया?" समें प्रोविजो का सवाल नहीं था। मेरा इस बात का अनुभव है कि हाई कोर्ट में जब बैचिज हो जाते हैं तो अलग अलग तरह के जजमेंट होते हैं। एक ही हाई कोर्ट में डिफ्रेंट तरह के परसनस होते हैं। वही जजमेंट देते हैं। इस प्रोविजो से आप यह रास्ता खोल रहे हैं। आप जजि को बड़ा दीजिये, जजिज की संख्या बढ़ाइये लेकिन हाई कोर्ट एक जगह होना चाहिये, बैचिज नहीं होनी चाहिये।

लोग कभी कभी राजस्थान की बात करते हैं। राजस्थान के अन्दर दो करोड़ की पापुलेशन नहीं है, बहुत छोटी संख्या है। जोधपुर में हाई कोर्ट बना, वांचू साहब ने बहुत सोच समझ कर के जोधपुर में हाई कोर्ट बनाया। बाद में लोग कहने लगे कि एक जयपुर में बैच हो जाये, एक अजमेर में हो जाये। आपके पास पैसा नहीं है। लोगों को सस्ता न्याय नहीं मिल रहा है। कोर्ट फीस बढ़ी जा रही है। हमने बजट देखे हैं।

[श्री मूल चन्द दागा]

सेंट्रल गवर्नमेंट कहती है कि हमारे पास पैसा नहीं है। आज एक लिटिगेट को कोर्ट में जाने के लिये बहुत बड़ी दीलत की जरूरत है और वकीलों के पास बड़ा पैसा हम देख रहे हैं।

जगह जगह हाई कोर्ट बनाने का मतलब क्या है? हाई कोर्ट में वही लोग जाते हैं जो बहुत पैसे वाले होते हैं। लोग कहते हैं कि मिजोरम में खोल दें, प्रवणचल में खोल दें, सब जगह खोल दें। यह ला कमीशन की रिपोर्ट है जिसको गवर्नमेंट ने एप्रोइव किया है मने आपकी दोनों कोर्ट किये हैं। हर आवसी चाहता है कि जगह जगह हाई कोर्ट खोल दिये जायें, जगह जगह बचिज बना दिये जायें। अगर आपको जस्टिस देना है तो वह एक हाई कोर्ट में मिलेगा। आप जजिज की संख्या बढ़ाइये, पाच में सात कर दीजिये, सात से नौ कर दीजिये।

SHRI VAYALAR RAVI (Chirayinkil): Mr. Speaker, Sir, I fully welcome this Bill, the measure through which the Government has tried to satisfy and respect the desire of the people of this area, especially the adivasis.

My hon. friend Mr. Daga was just opposing the Bill and he was quoting the Law Commission's Report. First of all I must say that the Law Commission's word is not a final word in everything. The Report was made by the jurists. Mr. Chagla was a Member of this House. I do not want to comment upon his personality. What were the reasons behind the opinion that it should be comprehensive, or that the judges should be at one place? It has been said if the High Court judges are together in one building, their ability can be judged. This is no argument. It has no logic. Nowhere it has been said that the High Court should have any benches. It is more concerned with the people. Here the

Government says, it saves the expenditure of the Government, I should say that it saves the expenditure of the people also. If the Bench of the High Court judges is at Ranchi or at Patna, he has to decide the case on merits and on the basis of law. It is immaterial whether he sits in the same building or outside. The argument put by Mr. Daga based on the Report of the Law Commission is not at all acceptable.

I fully appreciate the feeling of the Government that the expenditure should be saved. I would say that there are other reasons also—i.e., the State may be big. Take for example, U.P. Kerala may be termed as a small State. But it is a big State. You have visited that State. It is a very big State.

The problems may be different. It may not be of adivasis. For example, in Kerala, a very pressing demand has come from the High Court, Trivandrum to have a High Court at Cochin and the late Krishna Menon had possibly been arguing for this until his death. But this has not come through so far. I take this opportunity to voice my forceful support to the demand of the people of Trivandrum and Kerala to the establishment of a Bench at Trivandrum also. I demand this because of the complexity of this State. It is a very large State and all the way the people have to come to this place and this proves to be difficult for the people. The hon. Minister comes from Kerala but he is a very generous nationalist and I am sure he will agree to my suggestion. I hope this assurance will come from the Government.

SHRI SOMNATH CHATTERJEE: By this sort of 'mutual admiration' they will get a Bench in Kerala. But what about other States?

SHRI VAYALAR RAVI: I am sure the hon. Speaker is happy about

this decision of the Government to respect the feelings and the sentiments of the people of Ranchi as he knows the people very well, I hope he will also be kind enough to advise the hon. Minister to respect the feelings and sentiments of the people of Kerala also to establish a Bench at Trivandrum. With these words I conclude my speech.

SHRI ARVINDA BALA PAJANOR (Pondicherry): Sir, I congratulate the hon. Minister for introducing a Bill like this for creating a new Bench at Ranchi.

My hon. friend Mr. Vayala Ravi asked for another Bench in Kerala. Mr. Chatterjee who is practising in the Supreme Court is asking for a Bench somewhere in West Bengal. So far as the Union Territory of Pondicherry is concerned, there is not even a High Court there. So, I am asking for the creation of a Bench in Pondicherry. Although Article 14 of our Constitution is being suspended during this period, what I feel is, there need not be any sort of discrimination between State and State in providing a bench.

I voice this demand for the establishment of a Bench at Pondicherry for two reasons.

The first reason is this. The people of Pondicherry have a special tradition in regard to legal matters. We in Pondicherry have been following the French System for the past 300 years whereas you have been following the Anglican System for 200 years. When you have so much of respect for the law and judiciary, at least an iota can be attributed to the system which has been there for the past 300 years. By creating a new Bench, this can be solved to a certain extent.

Then, Sir, the second reason is the distance involved. The people have to come all the way, spending a lot of money on travel and other expenses. This is what is happening. The court fee is less than the other expenses. Therefore, to alleviate the difficulties of the litigants and the poor people it is much better if we have different Benches at different places to dispense justice.

I also had a bitter experience and I wish to say about this. When Pondicherry was merged, the jurisdiction was handed over to the Madras High Court. We had a system 'Cassation Court' to make the final appeal. But in Madras they mocked at even the word 'Casse' meaning 'to break'. In fact, they were breaking the laws, without realising the spirit of it. Therefore, it is not only necessary for Patna to have a Bench, but, it is also equally necessary that other places should also have a Bench and we have to provide that also. In Madras what happens is this. A person coming from Kanyakumari to Madras has got to spend Rs. 200 on travel for a Civil Revision Petition, in regard to which he has got to pay only Rs. 10 as the Court Fees. And a person stationed in Madras need not have to spend for the same case, for the same cause, more than Rs. 10 for stamp and the advocate fee of Rs. 50 or Rs. 60. The person coming from Kanyakumari has to spend such huge sums. Therefore, I would request the hon. Minister to consider the question of appointment of a Committee to go into the entire jurisdiction of the country, to divide the country in such a way that the people can get justice at equi-distance.

Now, Sir, I am not in agreement with Mr. Daga that by putting all the judges in one particular building you will get the same justice or the same type of judgement. It is not so, I remember a particular case in the Madras High Court, wherein in a Bench

[Shri Arvinda Bala Pajnor]

Judgment, one judge acquitted A-1 and A-2 and the other judge acquitted A-3 and A-4. And, in regard to such cases, the procedure is to place it before a third judge. I am afraid, this third judge may acquit A-2 and A-3 thereby creating another anomaly to be resolved once again. I am mentioning all these things because judges differ in their judgments. What will be the solution for the malady there in this respect? What I feel is this. An overall review of the entire judicial system alone is the remedy. And for this, a Committee should go into the entire matter and give its report, which should be final.

In a nutshell, my suggestion or my idea is this. The majority of our litigant people are involved only in regard to criminal and small civil matters. That should be looked into first.

Finally, I request the hon. Minister to consider first the case of Pondicherry because he has recently come to this position and so, I make bold to repeat the same demand for the second time in this House. The moment I ask for a Bench I am told that they will look into it. I am sure that Dr. Seid Sahab will consider this demand and give it to Pondicherry so that I can go and tell my people that something is being done for the people there too and they are not neglected.

I suggest to them to appoint a Committee to go into this aspect and divide the entire country into regions by which we may have Benches all over because, I am sure, in a few weeks time from now, they may take away the writ jurisdiction of the High Court and leave that to the Supreme Court. We should not have too many Supreme Courts—there should be only one Supreme Court and above that this House. That is all I want to say.

श्री सरजू जोड़ेय (गाजीपुर) : अध्यक्ष जी, यह जो बिल सबन में धाय है, मैं इसका स्वागत करता हूँ। श्री बागा की छड़कर, धामतीर से सभी सदस्यों ने इसका स्वागत किया है।

रांची हिन्दुस्तान का विच्छा हुआ प्रदेश है। प्राधिकासियों को वहाँ से पटना जाना काफी दूर पड़ता है। गरीब लोग उस हलके में बसते हैं। यह जो बेंच आप वहाँ बना रहे हैं, इसके लिये धाय बढ़ाई के काम है।

जैसा कि माननीय सदस्यों ने कहा है देश के बहुत सारे हिस्से ऐसे हैं जहाँ इस तरह की बेंचों की जरूरत है। हमारा उत्तर प्रदेश इस प्रकार का प्रदेश है जो कि प्राधे हिन्दुस्तान के बराबर है, सारे लोगों को बलिया से लेकर मेरठ तक इनाहाबाद जाना पड़ता है। हमारी प्रार्थना है कि आप उत्तर प्रदेश में भी धीरे-धीरे की व्यवस्था करें, ताकि लोग प्रासानी से न्याय पा सकें। धामतीर से गरीब धमतीर प्रदालतों में पहुँचते नहीं, धीरे-धीरे पहुँचते भी हैं उनके लिये बड़ा मुकिल होता है कि वह रेल का किराया कहाँ से लायेंगे? इसलिये मेरा ध्यास है कि उत्तर प्रदेश में ही नहीं, जैसा पाँडिचेरी में किया गया है, धीरे-धीरे देश के हिस्से ऐसे हैं, जहाँ इसकी मांग है।

जो बिल लाये हैं, यह ठीक है, लेकिन आप प्रयास करें कि देश के धीरे-धीरे धामतीर में भी इसी तरह के बेंच स्थापित हों धीरे-धीरे न्यायपालिका में लोगों को न्याय मिल सके। इसके लिये प्रोसेचर प्राधान्य बढ़ाएँ ताकि नज़िर जायदी की व्यवस्था से ज़ादा न्याय पा सकें।

SHRI N. K. P. SALVE (Betul): Mr. Speaker, Sir, I wholeheartedly support this measure by which a permanent Bench is sought to be established at Ranchi. I have no doubt in my mind that whereas the quantity and quality of justice will continue to be the same

as it has been at the hands of the Circuit Bench, certainly, it would mean a whole lot in respect of the administrative facilities expenses etc

So, all that I can submit is this It is an extremely rational measure which has been brought about and I entirely and wholeheartedly support the demand of my hon friend from Pondicherry that there is need for a Bench there I should say that there is need for Benches at different places for expeditious justice Justice delayed is justice denied In this connection I want to lay before this House some of the most obnoxious examples of how much justice could be delayed In doing so, since the matter is germane to the basic issues—cardinal issues—with which this Bill is dealing I will take a couple of minutes only in this respect Recently, I happened to argue a matter—it was a penalty matter—relating to the concealment of incomes which related to the assessment year 1942-43 That means the alleged offence was committed by the assessee in the previous year ending 31st March 1942 Because the matter was twice remanded by the Tribunal and the Appellate Commissioner it came up for arguments for the first time some time in the end of 1975 before the Tribunal The Tribunal has decided the matter one way or the other That is not material

Now, the matter is under reference and it is going to the High Court At the High Court level it cannot come up for hearing before the expiry of ten years. The pendency is so tremendous in respect of tax matters, Bombay is worse. The matters which have been filed in the year 1966 have not yet come up there for hearing even to-day. The same is the situation in Allahabad. And pretty bad is the situation in Patna. Now, this matter of penalty, to which I was referring, will come up after ten years. That means already 34 years have passed. If you

add another ten years, that would mean that after forty-four years of the committal of the supposed offence the High Court would be sitting in judgment

The matter is bound to go to the Supreme Court It will mean another ten years for the Supreme Court. That means, nearly 54 years after the alleged offence had been committed, the matter would have been finally adjudicated upon Sir, it sounds like a fairy tale but it is not That is the irony of the whole situation Therefore Sir if we want to avoid sheer mockery of the tax laws and other laws then reasonably it may be so brought about that no matter is kept pending in any high court for more than three years You can recruit some more judges Under the Law Ministry, Income-tax Tribunals are functioning at several places and I am unable to understand why they are not recruiting men from the tribunals or from the profession or other fields who have acquired expertise in the realm of taxation Further, why is it that the Law Ministry is fighting shy to constitute special tax benches? I am talking with reference to tax matters because I know about it Therefore, my submission is—if the Law Ministry is at all serious about high courts dealing with these matters expeditiously and in time and without letting half a century elapse before a certain offence is sought to be argued—that more judges should be appointed and more rationale view is taken and taken expeditiously to determine whether or not there is need for appointing more judges and secondly whether or not these are the judges who are capable and competent to handle technical matters.

SHRI VASANT SATHE (Akola)
 Sir, I also wholeheartedly support our new Minister of State for Law for bringing this excellent measure. This only shows the eagerness of the Government to make justice more readily and easily available to the people. The

[Shri Vasant Sathe]

spirit appears to be to take the high court justice nearer to the people. This is the spirit. But, Sir, by taking the high court nearer to the people it does not automatically follow that you are taking justice also near to the people. Much more needs to be done. The first State after reorganisation of States where there was an independent and permanent bench was Maharashtra. I think U.P. also had two benches. We know how advantageous it is for the eastern districts of Maharashtra—the Vidarbha region—to go to the High Court at Nagpur. I believe if we can adopt this practice in all major States, namely, apply some principle of distance of 300 or 200 miles or population-cum-distance principle then we can have more benches of the high courts throughout the country in all States. This will also mean you must have more judges. It is no use having a permanent bench manned by two or three judges. They will be overworked and there will be pendency of cases. In Nagpur what happens is that some of the judges keep on going from Nagpur to Bombay. They stay for two months and again go back to Bombay. There is no permanency. The spirit of permanency is not there. Therefore, disposal also gets delayed. A judge hears a case. Before it is completed, he is transferred. So unless that judge comes back, the part heard case cannot be resumed. Like that, delays take place.

Therefore, I would submit that you should have more judges. Why don't you fill up the vacancies in the various High Courts today? Yesterday, I heard that in the Calcutta High Court, there are six vacancies.

SHRI SOMNATH CHATTERJEE : Pending for a Year.

SHRI VASANT SATHE: In Maharashtra, there are four.

SHRI N. K. P. SALVE: In Allahabad

SHRI DINESH CHANDRA GOSWAMI (Gauhati): In Assam, it is half the number of judges.

SHRI VASANT SATHE: We were talking Yesterday of young, good lawyers being there who are not getting opportunities. They are not attracted. You got the Bill passed yesterday concerning some ancillary benefits to Judges. At least after that, will you get young good lawyers and fill up the vacancies? That is the first thing that ought to be done.

Then when we are thinking of having these Benches, why don't you also have a Bench of the Supreme Court in the South? This has been asked for for a long time. What is the sanctity in having the Supreme Court only in Delhi, only in one place or in one building? I have never understood the rationale of this. After all, will the judges of the Supreme Court, if there is a permanent Bench at Hyderabad or Bangalore, decide differently from what they would do sitting in Delhi? In a vast country like ours, we should have this systems of decentralisation of at least the place of giving justice. Therefore, let us give thought to this as well.

I would like to repeat what I have said. First, have more judges. Kindly consider how many cases were there at the date of independence. Today what has been the increase in the number of cases of litigation in all matters, social legislation, labour legislation, election petitions....

AN HON. MEMBER: Tax matters

SHRI VASANT SATHE: Tax matters.

SHRI SOMNATH CHATTERJEE: The greatest beneficiary of that is there.

SHRI VASANT SATHE: In all matters, there has been a tenfold increase. What is the pendency? More than a lakh in all the High Courts or probably more.

SHRI H. M. PATEL (Dhandhuka):
 In each High Court.

SHRI VASANT SATHE: Imagine this delay of 10, 15, 20 years. You are also a lawyer. You know that in civil matters if the litigant dies, you have to bring on record his heirs, legal representatives. If the LR dies, the LR's LR has to be brought on record. Is this law or mockery? Civil matters get decided only at the time of the grandson though the fight may have started in the grandfather's period. We have had this luxury during those times of the British rule because they were more interested in creating the impression that British justice is so blind that it weighs on a blind scale. It does not matter how long it takes. The law and procedure of the courts must run its due course. That was all right then, but not now.

SHRI SOMNATH CHATTERJEE:
 You have imposed court fees.

SHRI VASANT SATHE: When you want justice for the people, what is the spirit in which you must proceed? We do not seem to be aware of it even now. Our senses have got deadened. Justice delayed for 10, 15 and 20 years does not seem to stir us at all. At least in this field, let there be a fresh thinking; let everything be done to have more judges, more courts and let them be spread out. And let us have also, as I said yesterday, people's courts so that many of the cases could be dealt with there. Divert the Supreme Court and the High Courts of some of the powers. Do that and lessen their burden. Why don't you do something at least as far as the *vires* is concerned? Two or three or five judges. . .

13 hrs.

MR SPEAKER: It is one O'clock

SHRI VASANT SATHE: I am concluding in one or two minutes .or

fore let the decision about *vires* not decide the spirit in which a law was made by the representatives of the people. 500 representatives of the people? Therefore let the decision about *vires* not be left to them. That means that much of the burden of the High Court and the Supreme Court will be reduced

SHRI H.M. PATEL: You need 500 judges to decide?

SHRI VASANT SATHE: Therefore it should be the Parliament which should be the final authority to decide about the *vires*.

MR. SPEAKER: DR SEYID MUHAMMAD. He may continue after lunch.

13.02 hrs.

The Lok Sabha adjourned for lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at Fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

HIGH COURT AT PATNA (ESTABLISHMENT OF A PERMANENT BENCH AT RANCHI) BILL—Contd

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID-MUHAMMAD): Mr. Deputy-Speaker, Sir, I am grateful to those hon. Members who participated in the discussion and debate. Except for the dissent of Mr. Daga, there was unanimous support for the Bill and I am grateful for the same. Certain apprehensions and misapprehensions have been expressed regarding the way the Government is going about in establishing Benches and not establishing Benches of the High Court on various grounds. I shall state that the main consideration for the Government in this matter is based on the report of the Law Commission and also Justice Shah's report on the arrears in

[Dr. V. A. Seyid Muhammad]

High Courts. Mr. Daga was kind enough to read at length the reasons given by the Law Commission in its report and he also made other comments. Some of them are very sound in this regard. The basic principle which the Government has accepted after taking into consideration the weighty arguments and recommendations of the Law Commission and the Justice Shah's report, is that by and large the Government is against establishing multiplicity of Benches in the same State. But that is not a very rigid principle. As and when circumstances and conditions exist, and they justify the establishment of two Benches in the same State it will be done and it has been done before. Not only at Lucknow and Allahabad but in Nagpur also we have a Bench. In Madhya Pradesh there are two Benches. The first consideration is, the establishment of a Bench must be held to serve the ends of justice where it is found that by establishing a Bench justice can be attained more effectively, in addition to other circumstances like backwardness of the areas, volume of litigation and other local conditions, the principle that not more than one Bench should be established in one State is relaxed. It is not done simply because there is some pressure or demand from certain areas. As the debate has shown, if we relax the principle too many demands for Benches in many other States and even districts will be coming. Trivandrum, Pondicherry and various other places have been mentioned a deserving to have Benches. So far as Assam is concerned, if one can establish that the conditions there justify the establishment of another Bench, Government will not be reluctant to consider it.

SHRI SOMNATH CHATTERJEE : Is the Government not aware of the conditions there ? One Bench is serving the needs of 5 States and it consists of 5 judges. Why do you preface it by it?

DR. V. A. SEYID MUHAMMAD : These facts are well known to the government. We will certainly examine whether the sum total of the conditions justify the establishment of another Bench in that State.

Allegations have been made that the subordinate judiciary is being neglected. It is not correct. A committee has been examining this matter and recommendations have been made. Whatever the Centre can do, using the good offices with the States, we certainly propose to do that. It is not as if we are not aware of it.

It has also been said that in a number of High Courts vacancies have been lying unfilled and because of this, the arrears have gone up. Various figures, 1 lakh, 2 lakhs etc.—were quoted. It is not correct to say that the government has not done anything in the matter. In the course of the last three years, recommendations have been made for the appointment of 100 judges. 349 judges are already there. Filling up the posts of judges is not like buying something from the market. Mr Chatterjee and other members of Bar are fully aware of the difficulties in getting a proper person to fill the post. Some are not willing to come as judges for various reasons. Some may have good practice but there may be other drawbacks disqualifying them from being considered. So, to make a sweeping statement that the government is indifferent to the problem is not correct. We are doing our best. As I had stated, in the last three years, we have created... (Interruption) About its being inadequate, it is a matter of opinion. We are trying to remove that inadequacy as far as possible; and we will do our best.

SHRI VASANT SATHE : What is the number of lawyers in the country, practising in the High Courts and the Supreme Court?

DR. V.A. SEYID MUHAMMAD : I think the figure in 1973 was 80,000. I do not know whether it is correct now.

SHRI VASANT SATHE : It will be a sad commentary if we say that 100 men cannot be selected from 80,000 lawyers.

DR. V.A. SEYID MUHAMMAD : I did not say that out of the 100 posts created, we have not found anybody; but in some places we find difficulty. As my colleague is aware and as Mr. Chatterjee is aware, there are some difficulties. I did not say that we created 100 posts and that we did not find anybody but as one of the difficulties felt, I gave the instance of the difficulty in finding proper persons. Having said that, I may say a few words about the proposed amendment to Clause 2, by Mr. Horo, I oppose the amendment. I oppose it for two reasons. This is with reference to the proviso to Clause 2. The proviso says :

"Provided that the Chief Justice of that High Court may, in his discretion, order that any case arising in any such district shall be heard at Patna"

It has been suggested that it is giving a wide elbow-space or a wide loop-hole for the High Court Judge to withdraw all cases, or the majority of the cases from the new Bench. I do not think it is the correct position.

MR. DEPUTY SPEAKER : The amendment has not been moved.

DR. V.A. SEYID MUHAMMAD : What he wants from the proviso, and what he intends to say is that it is the experience of the Members and particularly Members who are lawyers, that situations may arise where, by reason of the technicality and complexity or speciality of the law, any one of the three judges or 4 judges...

MR. DEPUTY SPEAKER : Why don't you wait until he moves this amendment, when you can reply to it ?

DR. V.A. SEYID MUHAMMAD : I thought it was moved. I don't know.

Then I will reserve it.

MR. DEPUTY SPEAKER : It can be moved only when we take up clause-by-clause consideration.

DR. V.A. SEYID MUHAMMAD : He spoke on that point. But if you direct so, I will reply later.

MR. DEPUTY SPEAKER : You have already gone on it.

DR. V.A. SEYID MUHAMMAD : He spoke. What I spoke may be taken as either a reply to the amendment or to the speech. But if you think that it would be appropriate to reply at the time of his moving it, I will do it.

MR. DEPUTY SPEAKER : That job has been done.

DR. V.A. SEYID MUHAMMAD : I will reserve it. I will abide by your Command and will reply as and when the amendment is moved. Now, having said that, I do not propose to say anything more. I think I have made the points sufficiently, and I move.

MR. DEPUTY SPEAKER : You have already moved.

DR. V.A. SEYID MUHAMMAD : move that the bill be passed.

MR. DEPUTY SPEAKER : The stage has not come yet. That stage will come a little later.

Now the question is :

"That the Bill to provide for the establishment of a permanent bench of the High Court at Patna at Ranchi, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER : We take up clause-by-clause consideration. Clause 2, Mr. Horo, are you moving that amendment?

MARCH 9, 1976

[Mr. Deputy Speaker]

I think you are moving.

Clause 2—(Establishment of a permanent bench of High Court at Patna at Ranchi)

SHRI N. E. HORO: Yes, Sir. I beg to move :

"Page 1,—

omit lines 12 to 14."(1)

MR. DEPUTY-SPEAKER: Dr. Seyid Muhammad, let us take up the amendment of Mr. Horo. Are you not accepting it? What have you got to say?

DR. V. A. SEYID MUAHMMAD: I don't accept the amendment, and what I propose to say, I will say at this stage, with your permission.

MR. DEPUTY-SPEAKER: You have already replied.

DR. V. A. SEYID MUHAMMAD: I did not reply. I started replying.

MR. DEPUTY-SPEAKER: Okay; you can reply now.

SHRI N. E. HORO: I still stick to my gun and say that this proviso is defeating and will defeat the entire purpose of the bill. What happens is that now most of the cases in the Patna High Court are coming from the area of South Bihar. There are interested parties. There are lawyers, members of the bar, who are interested that those cases arising in those districts, in Chotanagpur, should be heard at Patna. Invariably, what happens is that the Chief Justice will decide to hear those cases at Patna. The

result is that the parties to the case will suffer monetarily and otherwise. So, the entire purpose of this Bill will be defeated once you give this latitude to the Chief Justice. That is why I still, as I said, stick to the gun by moving this amendment.

DR. V. A. SEYID MUHAMMAD: I have already given one reason. In a Bench of three or four Judges, as the case may be, there may not be Judges who may be fully conversant with special laws or technicalities. In that case, the Chief Justice would think that it would be more appropriate to bear the case in Patna to meet the ends of justice.

A second situation may be that some of the Judges themselves may be interested in the case, in the sense that at some stage they might have appeared in it as advocates, or some of their relatives may be parties to the case, or there may be some personal reasons which may preclude the Judges from hearing the cases. If such a situation arises, then also the Chief Justice may think it better, in the interests of justice, to hear the case at Patna.

So, unless we have such a proviso, it would be impossible to meet such a situation. That is why this proviso is introduced.

MR. DEPUTY-SPEAKER: The question is:

"Page 1,—

omit lines 12 to 14." (1)

The Lok Sabha divided:

AYES

Gowder, Shri J. Matha
 Horo, Shri N.E.
 Mehta, Shri P. M.
 Mohanty, Shri Surendra
 Radhakrishnan, Shri S.
 *Shastri, Shri Sheopujan
 Sinha, Shri Satyendra Narayan

NOES

Agrawal, Shri Shrikrishna
 Ahirwar, Shri Nathu Ram
 Arvind Nefam, Shri
 Barman, Shri R. N.
 Barupal, Shri Panna Lal
 Basappa, Shri K
 Basumatari, Shri D.
 Bhagat, Shri H. K. L.
 Bhargava, Shri Basheshwar Nath
 Bhattacharyya, Shri Chapalendu
 Chandrakar, Shri Chandulal
 Chandrika Prasad, Shri
 Chaudhary, Shri Nitraj Singh
 Chikkalingaiah, Shri K.
 Daga, Shri M. C.
 Das, Shri Dharnidhar
 Dhamankar, Shri
 Dhillon, Dr. G. S.
 Dhusia, Shri Anant Prasad
 Doda, Shri Hiralal
 Dumada, Shri L. K.
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Garcha, Shri Devinder Singh
 Gautam, Shri C. D.
 George, Shri A. C.
 Gopal, Shri K.
 Gowda, Shri Pampan

Hansda, Shri Subodh
 Horo, Shri N. E.
 Kadam, Shri J. G.
 Kamakshalah, Shri D.
 Kamla, Kumari, Kumari
 Kapur, Shri Sat Pal
 Kinder Lal, Shri
 Kisku, Shri A. E.
 Kotoki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Kureel, Shri B. N.
 Mahajan, Shri Vikram
 Mandal, Shri Yamuna Prasad
 Mirdha, Shri Nathu Ram
 Mishra, Shri Jagannath
 Mohan Swarup, Shri
 Mohapatra, Shri Shyam Sunder
 Munsii, Shri Priya Ranjan Das
 Nahata, Shri Amrit
 Oraon, Shri Tuna
 Painuli, Shri Paripoornanand
 Pandey, Shri Damodar
 Pandey, Shri Narsingh Narain
 Pandit, Shri S. T.
 Pant, Shri K C
 Paokai Haokip Shri
 Patil, Shri T.A.
 Peje, Shri S.L.
 Purty, Shri M. S.
 Raghu Ramaiah, Shri K.
 Rai Shrimati Sahodrabai
 Ram Singh Bhai, Shri
 Ramji Ram, Shri
 Ranabhabadur Singh, Shri
 Reddy, Shri P. Narasimha
 Reddy, Shri Sidram
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Shri
 Saini, Shri Mulki Raj

*Wrongly Voted for AYES.

Samanta, Shri S. C.
Sankata Prasad, Dr.
Sathe, Shri Vasant
Saipathy, Shri Devendra
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Sinha, Shri R. K.
Sohan Lal, Shri T.
Suryanarayana, Shri K.
Tiwary, Shri D.N.
Tulsiram, Shri V.
Yadav, Shri Karan Singh

MR. DEPUTY-SPEAKER: The result*
of the division is: Yes: 7, Noes: 87.

The motion was negatived.

DR. V. A. SEYID MUHAMMAD: I
beg to move:

Page 1, line 13,—

after "any case" insert—

"or class of cases" (2)

MR. DEPUTY-SPEAKER: He gave
the amendment today. The only thing
that he wants is to add the words "or
class of cases" after "case" in line 13
on page 1.

SHRI SOMNATH CHATTERJEE:
Why?

DR. V. A. SEYID MUHAMMAD:
The proviso to clause 2 as it stands
now reads:

"Provided that the Chief Justice
of that High Court may, in his dis-
cretion, order that any case arising
in any such district shall be heard
at Patna."

The amendment proposes to add after
the word "case", the words "or class
of cases". The Chief Justice may
think it necessary not only in a single
case, but a class of cases, for example
income-tax cases. So, he must have
the power to have them heard at the
Patna High Court, the class of cases
not only a single case.

SHRI DINEN BHATTACHARYYA:
You have allowed it to be moved to-
day

SHRI SOMNATH CHATTERJEE:
It should have been moved before
Mr. Horo's amendment. Then I would
have voted for Mr. Horo's amendment.
Why should he move it after Mr.
Horo's amendment?

MR. DEPUTY-SPEAKER: He gave
notice of it today at 12.08 and it has
been allowed by the Speaker. Because
it is an amendment which has not
been circulated, I took the trouble of
telling the House what the amendment
was, and I also allowed the hon.
Minister to move it and explain it.
Now it is for you to oppose or accept
it.

With regard to the amendment of
Mr. Horo, if that had been accepted,
this would not have arisen because that
part of the clause would not have been
there at all. Because Mr. Horo's amend-
ment has been rejected and this provi-
sion of the clause remains, it can be
amended.

*The following Members also recorded their votes;

AYES: Shri D. N. Singh;

Girdhar Gamango, and Shri S. K.

NOES: Shri Sheopujan Shastri, Shri
Rai.

SHRI SOMNATH CHATTERJEE:
 If Mr. Horo's amendment had been taken up later on, we could have decided whether we would agree to the transfer of one case or a class of cases. Now it becomes different. The Minister's amendment should have come first. Now, on principle, the whole scheme has been changed and he is doing it without prior notice. We do not know whether there was any such amendment before Mr. Horo's amendment was voted for.

MR. DEPUTY-SPEAKER: If you want to oppose it, you can do so.

(Interruptions)

SHRI SOMNATH CHATTERJEE:
 I am raising a question of procedure. Mr. Horo's amendment would have deleted the entire clause. But, we did not know because it provides only 'any case.' Now, it is a question of all clauses. Now, the Minister says that a particular type of cases may be transferred together.

(Interruptions)

MR. DEPUTY-SPEAKER: You are known for persuasiveness and for logic.

(Interruptions)

SHRI SOMNATH CHATTERJEE:
 I find that logic and procedure has been thrown to the wind. This Government does not believe in any procedure.

MR. DEPUTY-SPEAKER: You are a new person today. Now, with regard to procedural irregularity I do not see any irregularity at all. First, this amendment comes second and secondly, if Mr. Horo's amendment had been accepted, this proviso would not have formed part of the Bill at all; and because Mr. Horo's amendment was rejected, the proviso stands part of the Bill, is still part of the Bill and because it is a part of the Bill speci-

can be amended. How can you amend something which does not exist?

(Interruptions)

MR. DEPUTY-SPEAKER: The question is:

"Page 1, line 13,—
 after 'any case'

insert—

'or class of cases'"

The motion was adopted.

(Interruptions)

MR. DEPUTY-SPEAKER: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill

MR. DEPUTY-SPEAKER: I was feeling sleepy all the time. I thank Mr. Chatterjee for putting a little energy in me and I wake up to my work.

MR. DEPUTY-SPEAKER: The question is:

"that clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Title were added to the Bill.

DR. V. A. SEYID MUHAMMAD: I beg to move:

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill as amended, be passed."

The motion was adopted.

14.30 hrs.

**STANDARDS OF WEIGHTS AND
MEASURES BILL**

MR. DEPUTY-SPEAKER: I see that it is a very interesting Bill. I want to congratulate my good friend, Mr. George for having this very special task of piloting this Bill. There are a few hard facts about the Bill. It has 85 clauses. There are 20 amendments to this Bill. I tried to read the statement of objects and reasons, but I found that it was very difficult to understand and to digest Mr. George has the distinction of seeing this Bill through in one hour. Let us do our best.

**THE MINISTER OF STATE IN
THE MINISTRY OF INDUSTRY AND
CIVIL SUPPLIES (SHRI A C
GEORGE):** Thank you very much for compliments.

I beg to move.*

"That the Bill to establish standards of weights and measures, to regulate inter-State trade or commerce in weights, measures and other goods which are sold or distributed by weight, measure or number and to provide for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

In India, unit standards of weights and measures based on the metric system were established for the first time in 1956 when the standards of Weights and Measures Act was passed. The standards then established were based on the international system of units as recognised by the International Organisation of Legal Metrology of which India is a member.

The International Organisation of Legal Metrology has since prepared the draft of a legislation incorporating the revised standards of weights and measures in order to maintain a co-

herent plan having regard to the advances made in the field of science and technology. This new system has been given an abbreviated name 'I' includes 7 base units, 2 supplementary units and about 50 derived units. The derived units are themselves required in specialised fields of nuclear science, space technology, aeronautics, etc. Taking into account the revision of standards recommended by the International Organisation, the Central Government constituted an Export Committee which included technical and scientific experts including those of State Governments. Based on that Committee's report, a Bill was prepared and introduced in Rajya Sabha in July, 1975. It was passed by the Rajya Sabha on 15th January, 1976.

I would like to explain the main features of the Bill in a nutshell. The main features of the Bill are —

- (1) Establishment of standards of weights and measures based on the SI units and recognised by the International Organisation of Legal Metrology;
- (2) regulation of inter-State commerce in weights and measures;
- (3) control and regulation of export and import of weights and measures; and
- (4) approval (before manufacture) of models of weighting and measuring instruments intending to be manufactured.

It also provides for recognition of the Indian Institute of Legal Metrology for imparting training and provides for surveys and collection of statistics for facilitating planning and enforcement of the proposed legislation.

Finally, it is necessary to stress that the Bill provides for consumer protection in respect of packaged commodi-

ties. We are all aware, for years together, the consumer in this country was subjected to cheating and betrayal in short weights, short measures and short numbers even. All these malpractices were taken for granted against which many of us thought that there was no legal remedy at all. So, this measure in its enforcement will be an important chapter in our attempts to provide for consumer protection in respect of packaged commodities.

The Bill contains a provision for proper indication on the package of net quantity by weight, measure, etc., the name of the manufacturer and the price of the package. Normally, whenever there is something packed, it is given a beautiful outer coverage and some sort of weights and measures are mentioned on the package and it is taken for granted that it must be correct. The manufacturer or the person who is engaged in packaging was absolutely free in a way, to cheat the poor consumer and the consumer was taken for granted. Now, we are trying to have this measure to see that the consumer is not cheated and that the standards of weights and measures are rigidly enforced. By this measure, we are trying to see that proper measures are taken all over the country, by all legal methods, and to see that ultimately it becomes a very effective instrument in the matter of consumer protection.

In this connection, it may be mentioned that a Packaged Commodities Regulation Order has been enforced with effect from 2nd October, 1935. This Order currently derives its authority from Defence of India and Internal Security Rules. With the passing of the proposed legislation, the consumer will henceforth have a statutory base.

With these words, I commend the Bill for the consideration of the House.

MR. DEPUTY-SPEAKER. Motion moved:

"That the Bill to establish standards of weights and measures, to regulate inter-State trade or commerce in weights, measures and other goods which are sold or distributed by weight, measure or number, and to provide for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

SHRI P. G. MAVALANKAR (Ahmedabad): Just a minute. What is the legal provision for consumer protection? Let the Minister explain in some detail that we can understand it. The Bill is so technical. If he explains to us at least some measures by which the consumer will be protected, we will be grateful to him.

SHRI A. C. GEORGE: As the Chair remarked, this is a Bill with a lot of technical details. It has 85 clauses and all that. So, I did not want to take much time of the House by going into the details. The Bill was circulated to the hon. Members quite a long time back.

SHRI P. G. MAVALANKAR: The Minister says that the consumer is going to be protected by having so many legal provisions whereby cheating by the manufacturers can be detected; but what are those provisions? He should at least explain something in non-legal language.

SHRI A. C. GEORGE: It is stipulated that anybody engaged in the manufacture of commodities will have to very legibly mention in a noticeable position for the benefit of the consumer the weight, measure, number, time of packing and the price at which it is expected to be sold.

MR. DEPUTY SPEAKER: Shri Saradish Roy.

DR. SARADISH ROY (Belpur): Mr. Deputy speaker, Sir, in principle nobody can object to the introduction of such a Bill which ensures the consumers' interest by means of the provisions regarding weights and measures which are being provided; but the objection is to the manner in which the Bill is going to be implemented. In 1956 the Standard Weight and Measures Act was enacted but how the Act was implemented is not known. A Committee of Experts went through it and recommended repeal of the 1956 Act and the provisions made under the Act. We fear that the same fate is awaiting this Bill in regard to its implementation. Negligence and corruption in the machinery will detract from the advantage that is being provided for the ordinary consumers.

In its report, the Committee of experts which went into the weights and measures remarked that about 60 per cent of the taxi meters in Delhi city itself are not accurate and the passengers are forced to give a higher rate due to inaccurate metres. Even the machines of the petrol pumps in the city of Delhi are manipulated in such a way that the purchasers are forced to pay a higher rate of money for the petrol they are supplied with. It is alarming that even the weights and measures that are provided to students, doing research work are not accurate; we can easily imagine what the results of their experiments will be?

In its report on p 18 it has stated that in retail and wholesale trade in commodities, an error of just 1 per cent, which is very difficult to detect, in weight or measure or in the weighing or measuring instruments may lead to a loss to the mass consumers to the extent of Rs 160 crores and Rs. 140 crores to the farmers per year. Such is the alarming condition, not only in the private sector but in the public sector also. Even in the Railway stations the weighing machinery are not accurate.

It has come in the papers that a public undertaking supplies coal mixed with coal dust and with a breath of wind the dust disappears and the coal supplied is thus less. The consumers are being cheated in this way.

The Act provides for the packaging of packaged goods being supplied. We have seen that small traders and petty hawkers are being prosecuted for underweight measures but the larger manufacturers who had been cheating the consumers daily are not being tackled and their cases are not being dealt with properly. There is a provision in the Act in Section 29. It is stated on page 18-

"...that Government may direct the manufacturers and also the packers or distributors to sell, distribute or deliver such commodity in such standard quantities or number as may be prescribed."

This is to be executed by a machinery which is entirely corrupt. Therefore, we get the apprehension that these measures are not going to be implemented properly these measures will remain only on paper.

This report has recommended that the inspectors who will implement this measure should be properly qualified. In several States, even matriculates who have no scientific knowledge or training are being recruited as inspectors for weights and measures. The report has recommended that properly trained graduates should be appointed, and they should get ample remuneration so that they may not fall an easy prey to corruption.

Package articles are being sold in the market. For example, the bread package is sold with the label '200 gms.', but actually the weight of the contents is 180 gms, that is, ten per cent less. Consumers are being cheated to the extent of ten per cent of the goods.

In certain packages it is mentioned that the price is so much without local

taxes. For example, Amul milk-spray; it is mentioned on the package that the price is Rs. 8.89, but actually it is sold for more than Rs. 10 with taxes. And the consumers do not know what are the actual taxes, and there are always conflicts between the consumers and the retail traders. So, these things must be looked into. These are the things which are causing much trouble to consumers and traders. These unscrupulous manufacturers are showing that they are selling things at a lower price but actually the consumers are forced to purchase at a higher rate.

In some packages it is mentioned 'when packed' and the package material is also included in the weight. For example, bread. The package material is also included in the weight, and the consumers are cheated. Sometimes it is mentioned in the report that, due to moisture, the weight may have been higher at the time of packing and afterwards it may have become lower. But certain provisions should have been made, so that the people may not be cheated.

In conclusion, I want to mention that the main things is the availability of weights and measures and weighing machines and weights. In our country, Avery India Limited is holding the monopoly in this industry of supplying weighing machines. It is a foreign concern which is minting money and is cheating people, but the Government is doing nothing. I want that this company, Avery India Limited, a foreign, multi-national concern, should be taken over by Government and nationalised without compensation. There is ample technical knowledge available in our country. We can manufacture the machinery ourselves and thus save the valuable foreign exchange. If we cannot manufacture the machinery in our country, how can we expect to implement the

measures that are provided in this Bill properly in the interest of the consumers and the general public?

श्री सरज चौडे (गाजीपुर) : उपाध्यक्ष जी, वैसे यह बिल जैसा आपने खद कहा है, बहुत दिनचर्या और लम्बा चौड़ा है और यह तो हम लोगों की समझ से काफी दूर है कि इसमें क्या क्या प्रोसीजरन्स किये गये हैं। वैसे पिछली दफा जब यह बिल बना था तो भारी पैमाने पर छोटे लोगों का हैरामण्ड इसमें जगिये में हुआ था। ग्राम तोर में, जैसा कि माननीय सदस्य ने कहा, नमाम छोटे छोटे दुकानदारों का पकड़ कर जेबों में बन्द किया, और जो हमारे कन्ज्यूमर्स थे वह भी नहीं समझ पाते थे कि यह बेट क्या है। मन, मेर, छटाक की जगह पर एक नई चीज इंट्रोड्यूस कर दो जिसकी वजह से उम्मीदनाओं को भारी परेशानियां हुईं और घाज भी हैं। मैं समझता हूँ कि इस बिल के जो डम्पली-मैजेशन का रुख है वह बहुत कठिन है और फिर वहीं हैरामण्ड हमारी ग्राम जनता का भी होगा और छोटे छोटे दुकानदारों को भी परेशानी होगी। कभी कभी कर्मचारी लोगों को इस अघात पर पकड़ लेते हैं कि इसमें नम्बर ठीक नहीं लगा है, इसका सेड-ओटा है, जिनकी लम्बाई चौड़ाई होनी चाहिए वह नहीं होती है। इस तरह के नमाल आते हैं और इसमें लोगों को परेशानियां होती हैं और हमारे कन्ज्यूमर्स को भी अनजान बड़ा मुश्किल होता है। जैसा कि मेरे से पूर्व बक्ता ने कहा कि डबल रोटी के पैकट पर 200 ग्राम लिखा होता है, लेकिन उनका होता नहीं है। तो इनकी सारी चीजों को आदमी किस तरह से सेजूर करेगा यह कन्ज्यूमर्स के लिए बड़ा मुश्किल है। और एक बड़ा भारी बिज हमारे सामने रख दिया गया। और उसके बाद इसका इंटरसेप्शन होगा और किस तरह से इनको गांवां में, छोटे छोटे शहरों में लाया करेंगे, यह नमाम कठिनाइया पैदा होंगी।

[श्री सरजू पांडे]

वैसे तो यह बिल ठीक है चूंकि वॉट्स का स्टैंडर्डिजेशन करना है, और इसकी जरूरत भी है। लेकिन यह बात भी सही है कि इसमें जो करप्शन होगा उसके स्कावट की व्यवस्था इस बिल में नहीं है। तो इसका भी आपको ध्यान रखना चाहिए कि जो हमारे गांवों के रहने वाले लोग हैं, जो इसको नहीं समझ सकते, या जो बड़े लोग हैं वह काफी लूट मचाये हुए हैं, और जो इंस्पेक्टर होंगे वह मामूली किस्म के लोग होते हैं और वह लोगों को गांवों में, उनकी अज्ञानता के आधार पर, हैरास करते हैं। तो आपको इसको भी देखना होगा कि लोगों का नाजायज हैरासमेंट न होने पाये।

आपको याद होगा यहां पर हम बिल पास करते हैं कि मिलावट करना जुर्म है। लेकिन उसकी इम्प्लीमेंटेशन मशीनरी में इतना करप्शन है कि हर दूकानदार के यहां इंस्पेक्टर का बधा हुआ हिस्सा होता है। हमारे शहर में ही एक कसाई को इंस्पेक्टर पकड़ कर लाया और कहा कि इसमें मरा हुआ बकरा मारा और उसका गोشت बेचा, जो कि सरासर झूठ था। लेकिन जब उस कर्मचारी को रिश्कत दे दी गई तो उसने रिपोर्ट में लिख दिया कि यह बकरा जिन्दा था। मेरे कहने का मतलब यह है कि इस तरह रिश्कत लेने के लिए छोटे छोटे लोगों को पकड़ा जाएगा। या हमने कोई संशोधन तो नहीं दिया, लेकिन मैं यह जरूर चाहता हूं कि स बात की कोई सुरक्षा होनी चाहिए कि जो अधिकारी इस लिए नियुक्त हों, या जो वॉट्स और मेंसर्स को तैयार करेंगे, वह ईमानदारी से काम करें। इसी प्रकार से लाइसेंस देने का जो प्रोवांजन है उसमें भी रिश्कत चलेंगा, जो लोग इनको तैयार करेंगे उस में भी भ्रष्टाचार होगा। इसलिये मंत्री जी इसकी भी व्यवस्था करें कि जो कर्मचारी इसको लागू करें उनको इस

किस्म के डायरेक्शन्स दिये जायें कि वह लोगों को परेशान न करें बेकार में, और जो कंज्यूमर्स नहीं समझते हैं उनको भी बिना बात हैरास न किया जाये। माननीय सदस्य बता रहें थे कि बिजली मीटर के बारे में, गांवों में जो बिजली के मीटर लगे होते हैं उनको लोग पढ़ नहीं सकते जिसकी वजह से मीटर रीडर भारी भ्रष्टाचार करता है, और जिससे पैसा पा जाता है उसको लिख देता है कि कम बिजली खर्च हुई, और जो पैसा नहीं खिलाता उसने ऊपर ज्यादा चार्ज करता है। बहुत सारे लोगों के मीटर चलते ही नहीं हैं, वह बिजली की चोरी करते हैं और अधिकारी उनको छिपाने की कोशिश करते हैं। इसलिये इसकी व्यवस्था इसमें होनी चाहिये। जैसा हमारा समाज है वह सब को मालूम है, इसमें भारी परेशानियां लोगों को उठानी पड़ेंगी और इसीलिये मंत्री जी को चाहिये कि जो इम्प्लीमेंटेशन मशीनरी हो वह सही मायने में ईमानदारी से काम करे, और छोटे छोटे गरीब लोगों को ज्यादा परेशानियां न हों। इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूं।

श्री मूल चन्द डागा (पाली) : अन्तर्राष्ट्रीय पद्धति के आधार पर जो यह बिल लाया गया है इसका मैं स्वागत करता हूं। डिप्टी स्पीकर साहब ने पहले ही कह दिया है कि यह बिल लागू कैसे होगा और उन्होंने एक बड़े अच्छे ढंग से इस को कहा। आप यह देखें कि मि० जार्ज क्लार्क (3) में क्या कह रहे हैं :

“It shall come into force on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different—

- (a) provisions of this Act,
- (b) areas,
- (c) classes of undertakings,

- (d) classes of goods,
- (e) classes of weights and measures, or
- (f) classes of users of weights and measures...

इस कानून को लागू करने के लिए एक ही हिस्से में आप कई डेटम फिक्स करेंगे और उसके अन्दर भी कई बात अलग अलग होंगी। इन्डस्ट्रियल के लिए लागू करेंगे या नहीं करेंगे पता नहीं, कौन सी चीज़ा के लिए लागू करेंगे पता नहीं, कौन से एग्निया के लिये किस तारीख में लागू करेंगे, पता नहीं। इस के लिए आप डिफ़िन्ट डेटम रखेंगे। मेरा कहना यह है कि कानून ऐसा बनना चाहिये जो कि भग्न हो और जिम्मे को आगामी में लागू किया जा सके। कानून तो यह अच्छा है और इसका स्वागत हागा हो लेकिन आपने यह बहुत सक्त कानून बनाया है और शुरू में ही दो दस साल की मजदूरी दी है। 60 करोड़ का यह उनका बड़ा देश है और इसमें कई तरह के लोग रहते हैं। मेन्ना कमेटी ने भी यह कहा है

"The Committee is aware that there are many markets in India where commodities are sold by heaps or in truck-loads or cart-loads without any weighing or measurement of the commodities contained in each such heap, truck or cart. The buyer is required to make an offer on the basis of an eye estimation of the quantity contained in each such heap, truck or cart"

आज हिन्दुस्तान में कई पद्धतिया चल रही हैं। मेरे गाव में लाइम को बेचने की पद्धति यह है कि गाड़ी खड़ी रहती है और उसी जूना भर कर बेचा जाता है। सब लोग उसी तरह में जूना खरीदते हैं। अब जूने का मेजरमेंट कैसे होगा, मेरी समझ में नहीं आता। इसी तरह से मकान के लिए मिट्टी खरीदनी है, तो उसका मेजरमेंट कैसे होगा। इस तरह की बहुत सी चीजें बाजारों के अन्दर

चलती हैं और बहुत सी इन्टीग्रियर जैसे हैं, वहाँ पर इसका कैसे लागू किया जाएगा और इसे आपने इतनी सक्त मजदूरी रख दी है कि वही पर दो मान की मजदूरी है और कहीं पर छ मड़लने भी। इस तरह के कानून को, जिसमें 2 क्लॉजेज हैं, जार्ज साहब चाहते हैं कि आगे चट्टे में पान हो जाए और मैं समझना हूँ कि राज्य गंगा में तो यह पाच मिनट में ही पान हो जाएगा। मेरा कहना यह है कि इस कानून को मेहरबानी करना थोड़ा सा ध्यान से देखिये। आप कह रहे हैं कि मुह से अगर कोई बट्ट देगा, तो उसका सजा मिल जायगी। मुझे याद है कि अभी भी हम गावा में मन ही कहते हैं, क्वीटल नहीं कहते। इसी तरह से कई जगह सेर ही कहते हैं, किलो नहीं कहते। अब अगर किसी वं मुह से मन या मेर निकल गया, तो उसको भी आप मजदूरी दे देंगे क्योंकि क्लॉज 33 में आपने यह कहा है

"No person shall, in relation to any goods, thing or service to which this Part applies,—

(a) quote, or make announcement of, whether by word of mouth or otherwise...."

चलिये इसमें भी मजदूरी। मैं गाव का रहने वाला हूँ। मैंने कह दिया कि पाच घड़ी यह सामान है, तो उसमें भी सजा क्योंकि आप कहते हैं :

liable to be prosecuted for six months.

और इस तरह का कानून लागू करने बल्ले कौन लोग हाने। बहुत सारे अधिकारी आपने इनके लिए रख दिये हैं जैसे कि

Director, Addl. Director, Joint-Director, Deputy Director, Asstt. Director or any person entrusted.

जब मैं आपको बताता हूँ कि हमारे यहाँ जो फस्ट ऐंड में बेइंग मशीन लगी है उस पर मैं अपने को तुलनाता हूँ और पार्लियमेंट की

[श्री मूल चन्द ढोंगा]

एक्केसी में जो बेइग मशीन है उस पर तुलवाता ह, तो दोनों में अन्तर होता है जब कि मेरा वजन एक ही है। इस तरह से दोनों मशीनें अलग अलग वजन देनी हैं। इसके अन्दर आपने कानून बनाया है कि कौन आफिसर्स होंगे। सारा इसमें प्रेमकाई। आज यहाँ कानून पास हुआ जाएगा और रेडियो में खबर आ जाएगी कि मि० अर्ज ने कानून पास कराया है। हम भी उनको धन्यवाद देंगे। लेकिन इसको लागू कैसे रिया जायेगा? इसमें आपने लिखा है कि ये आफिसर्स होंगे।

"Additional, Joint, Deputy, Assistant Director or other Officers appointed under sub-section and any person authorised to exercise the powers."

Who is that 'any person' to whom you want to authorise? What is the definition of 'any persons'?

आपने बकीया की कमाई का साधन पैदा कर दिया है। जितना ज्यादा कानून बनेगा उनके लिए लायर्स एडवोकेट्स सालिसिटर्स आपको धन्यवाद देंगे कि आपन बहुत बड़ा काम किया है। इस कानून के अन्दर आपने मज्जा लिखी है—क्लाज 80 आप पढ़िये—

Clause 80. (1) No unit of weight, measure or numeration shall after the commencement of this Act, be stated in any enactment notification, rule, order, contract, deed or other instrument in terms of any unit of weight, measure or numeration other than that of a standard unit of weight, measure or numeration

(2) On and from the commencement of this Act, no weight, measure or number other than the standard weight, measure or number shall be used in, or form the basis of, any contract or other agreement

in relation to any inter-State or international trade or commerce;

I live in a very small village. I enter into a contract. That contract is put in black and white The agreement is between a farmer and an educated person The matter is taken to the court of law The educated person says that the measures have not been mentioned according to this Act, The evidence of the farmer will have no weight and value

हिन्दुस्तान में अगर कोई चीज बड़ी है तो वह नीकरगाही बड़ी है। हमने काफी तरक्की की है। हिन्दुस्तान में अगर किसी की तरक्की हुई है तो वह नीकरगाही की तरक्की हुई है। मैं तो कहता हूँ कि भगवान करे उनकी मख्या और बढ़ जाए और सारे हिन्दुस्तान में कानून ऐसा सज्ज हो कि वह हिल न सके। यह एक कानून बनाया है

(3) Any contract or other agreement in contravention of the provisions of sub-section (2) shall be void

It shall be void ab initio after passing this legislation

हिन्दुस्तान में हम सभी लोगों को एज्जेकशन नहीं द सवे। कांस्टीट्यूशन में लिखा है कि कांस्टीट्यूशन बनने के 15 वर्ष के अन्दर हम लोगों को एज्जेक्ट कर देंगे लेकिन 27 वर्ष तक हम ऐसा नहीं कर सके। कांस्टीट्यूशन बनने के 15 वर्ष बाद हम हिन्दी को राष्ट्रभाषा बनाना था लेकिन वह भी हम नहीं कर सके। इसलिए कानून जो बने वह प्रैक्टिकल होना चाहिए जो काम में आ सके।

आपने कहा कि सिविकस में पांच माल में यह कानून लागू कर दिया जायेगा लेकिन क्लाज 2 में आप कह रहे हैं

"It shall come into force on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different—

* * * * *

Provided that the provisions of this Act (including the standards established by or under this Act) shall come into force in the State of Sikkim on such date not being later than five years from the passing of this Act "

Why do you put this proviso? What is the purpose?

The manufacturers will have to record everything

यह मेजरमेंट कानून जो हिन्दुस्तान के माठ करोड़ लोगों पर लागू होगा उसमें कहा गया है कि मैन्यफेक्चरर कौन होगा । मैन्यफेक्चरर वह एण्डोर्जिनम आदमी है जो गांव में बैठा होगा है । उसको आप इस कानून के अन्तर में आय है ।

He will have to prepare a chart and give everything in writing

उनकी नानी मर जाएगी । दे आर एंड विल नाट वी इन ए पोझिशन टु डू दैट थिंग । गांव में काम करने वाले जो लोग होत हैं उनको पता ही नहीं होता है कि क्या कानून बना है । आपने अब हर एक आदमी में पांच हजार रुपये देने का प्रावधान किया है । ठीक है इसमें आपको आमदनी हो जाएगी । जो इस काम को करेगा वह आपका पांच हजार देगा ।

Here it says, 'manufactures, sells distributes repairs any weight or measure'

मान लें कोई आदमी बाँट डील कर रहा है । आप कहते हैं कि वह तो उपेस न । गांवों में जो इस काम में लगे हुए हैं उनकी क्या हालत इससे होगी आप अन्दाजा नहीं लगा सकते हैं । आप 35 क्लॉज को पढ़ें ।

यह भी आपत्तिजनक है । आप चाहते हैं कि निर्धारित समय में इसको पास कर दिया जाए । लेकिन आप 50 को देखें, 51 को देखें । कोई भी क्लॉज ऐसा नहीं है जिस पर कुछ न कुछ आपत्ति न की जा सके । इस तरह के बिज को प्रगर सिनेक्ट कमेटी के पास भेज दिया जाता और वह एक बार इसको एग्जेंमिना करती । वो कोई हार्म नहीं था और आमनाम निर नहीं पड़ना । डिप्टी मीस्टर महव न भ । उस गार इशारा किया था । पता नहीं उसको उगान माना है या नहीं माना है । यह उनका मर्जी की बात है । इस बिल के पास हो जाने में कोई नहीं कह सकता है कि क्या होगा ।

15 hrs

एर और भी मिफारिश पब्लिसिटी के बारे में की गई थी । बहुत साफ यह मिफारिश है :

Steps should also be taken to give adequate publicity, information in regard to legal methodology in regard to the various offences Emphasis should be laid on these things

आप इसको पब्लिसिटी दे लोगों को इसके लिए तैयार करें इस कानून को धीरे धीरे लागू करें । डायरेक्टर और ज्वायंट डायरेक्टर आदि जो हैं उनको आप कहें कि खाडा वे हकें और इस कानून का जल्दी से लागू न करें । धीरे धीरे समझा कर लोगों का मन जीत कर लागू करें ।

SHRI SURENDRA MOHANTY (Kendrapara) Sir, although this Bill is unexceptionable in principle, yet, I have my own misgivings about the utility and about the usefulness of this particular piece of legislation

Sir, with great respect to the hon. Minister, I wish to point out that I have a feeling that he has taken up this piece of legislation in a very casual manner, he is treating it lightly, and this can be seen from the allotment of

[Shri Surendra Mohanty]

meagre time of one hour for this Bill which has got tremendous importance from the consumers' point of view.

I invite the hon. Minister's attention to a statement recently made, during last month, by Mr. S. K. Maitra, Chairman of Weights and Measures Law Division Committee in Calcutta to the effect that annually this underweighing business is generating Rs. 1500 crores of black money. His estimate was, this normal average of underweighing was of the order of five percent and this on an average generates Rs. 1500 crores of black money. Even though from 1956 weights and measures have been 'standardised' according to the Minister, one really wonders why the Government was sleeping for this long period of 20 years to bring about this sort of legislation and why the consumers and the Government have been cheated to the tune of Rs. 1500 crores annually. I hope the Minister will give a reply to this which will give satisfaction not only to this House, but to the whole country.

Describing the dimensions of this Bill the Chairman goes on to say that this widespread evil is effecting the consumers and the national economy alike and, in one form or the other, the customer is cheated on account of the manipulations in weights and measures. He found in Delhi that a cement bag which was supposed to contain 50 k.g. contained only 20 k.g. Only 60 per cent of taxis has recorded meters on the higher side. Even the scientific instruments gave a wrong reading and those students who based their calculations on this reach a wrong conclusion.

In all humility I now ask the Hon. Minister: is he going to check this malady? Can he check this malady by this piece of legislation? Does he understand it himself? Clause 23 makes provisions for the enforcement of this legislation. But, you will find in the Schedule to Section 79 that one

horse power (U.K.) equals so many watts and one H.P. (European) equals so many watts. I would like to know how many competent persons the hon. Minister can get round who can check this kind of electrical meter reading whether one horse power equals a particular stipulated voltage. Who will find out that? Has he made any provision anywhere? As we all know, this is one of the vicious rackets. Similarly you will find one barometric inch of mercury is equal to so many pascals. In all humility, I ask the hon. Minister how he can find out a few competent people in this country who can check this?

Therefore, my own feeling is that though the objective of the Bill is unexceptionable and though the Government like Rip Van Winkle has woken up twenty years later to check this malady, still, this Bill leaves some doubt, misgiving or a question mark whether this is going to be implemented at all. My own feeling here is that it is not going to be implemented at all as would be evident from the very fact that the Government has not decided from which date the Bill will come into force. The Government, in its own wisdom, will decide some date from which it will come into force.

That only shows that the Government is not serious at all about saving the consumers from this kind of fleecing which is going on. And according to the Chairman of the Weights and Measures (Law Division) the consumers of India are being fleeced at the rate of Rs. 1500 crores annually.

There is another small point and I have done. For implementation of the Bill, the Government, in its wisdom—bureaucratic set-up of mind—makes provisions for the appointment of directors and high-salaried posts at the top. It is not the high-salaried directors or deputy directors or assistant directors who will go to the bazar to inspect whether the consumers are being cheated or not and whether the weights

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and measures are properly used in accordance with the standardised weights and measures. It is for the lower staff to do that. The Bill makes no provision for the appointment of lower staff, nor does it give any indication of what should be the requisite qualification for the staff who are going to be employed. As I said, I am afraid, some matriculates or under matriculates or, perhaps even for the implementation of the twenty point economic programme, some unemployed youths of some political party may be appointed or may be perhaps taken in, for the implementation of this measure. Perhaps they may find some employment. I do not grudge it. The only thing that I want to emphasise is that this Bill is not going to serve the purpose for which it is meant and designed and it is only an eye-wash and the consumers are still going to be fleeced at the rate of Rs. 1,000 crores annually.

SHRI P. G. MAVALANKAR
(Ahmedabad) Mr. Deputy Speaker, Sir, you gave a very right note at the start of this discussion when you said that the Bill is interesting but it needs to be explained in many a detail.

I tried to listen to my good friend, the Minister, with great respect, and with sympathy also for him—after all if anyone of us had been in his place we would have been put to the same difficulty in explaining the Bill to the House—as to why this kind of Bill should be passed because of the following kind of provisions, etc. Now, Sir, if the Minister were to request and tell us that the objectives are very laudable and, therefore, the Bill be passed, we will pass it immediately, but the question is whether these laudable objectives are going to be translated into proper action doing justice to the consumers and minimising their harassment. My first point to the Minister is: Has he and the Government really given consideration to the fact of harassment and hardship

to the consumers? The Bill obviously wants to protect the interests of the consumers as he said, and I agree with him on that point, but he should explain how are they going to minimise the hardship, harassment and injustice done to the millions of not only illiterate consumers but even literate and highly educated consumers. When we go to various shops we are cheated by all kinds of methods and the law is unable to do anything. By that I am not suggesting not to do anything but my first point is: Is this Bill not too much ahead of time in the sense that it does try to do at least theoretically, if not practically, too much too suddenly and too quickly.

There is a provision in the Bill for establishing a training institute but again it does not say in many details as to what kind of scheme Government have before them for this training.

My next point is although the Bill's objectives are laudable yet they will not be achieved even partially. The measure is complicated and requires lot of understanding and intelligent applicability on the part of both the implementers of law and those who have to abide by the law and in between are the vast millions of consumers who will be sandwiched between these two extremes. In any case, if the consumers are not going to be benefited, why have this piece of legislation? Therefore, I would like to ask the Minister: is it not necessary from this point of view—and the fact that it contains many complicated details—that it be sent to the Select Committee? The whole purpose of sending a Bill to the Select Committee is two fold, namely the whole House has neither the time nor the required competence to go into the details. The purpose of passing the Bill is defeated if you go hurriedly without proper consideration of the matters involved and without trying to listen to all points of view—point of view of the consumers, point of view of the manufacturers, point of

[Shri P. G. Mavalankar] view of traders, point of view of government officials and point of view of various social organisations and institutions involved in the movement of consumers' interest in general in this country. Without doing all this, asking this House to pass such a detailed measure in less than an hour's time, when everybody, including the Minister says 'I do not know, but it is good, therefore, pass it'.

SHRI A. C. GEORGE: I do not recollect when I said 'I do not know'.

SHRI P. G. MAVALANKAR. Because you were not able to tell us what precisely are the legal provisions, you were not able to tell us how you will catch hold of the defaulter, what is the machinery, how will the consumers' interest be protected, how he will not be harassed, how you would eliminate corruption. All these points and questions remain unanswered. Therefore, merely by the Minister telling us that he knows this Bill and therefore, we should pass it, does not take up anywhere. Of course, he has our sympathy, we can pass it. Also we are in sympathy with the objectives. But we cannot be asked to pass a Bill which knowingly we cannot understand.

SHRI M. RAM GOPAL REDDY (Nizamabad): Please read the Bill.

SHRI P. G. MAVALANKAR: I have read the Bill three times, first when it was last introduced in the Rajya Sabha and again twice before it came up here.

Therefore, I only want to say this in conclusion, apart from the suggestion to send it to a Select Committee, that the satisfaction of merely passing laws, even on matters which contain socially good and laudable objectives, cannot be of much avail, because law in itself cannot do much. Now, it is true that if a law is an effective instru-

ment or an effective agency, then the bureaucracy is necessarily strengthened then. I am not for outright criticism of the bureaucracy; if we have laws, we have to have a government machinery. Bureaucracy is bound to increase and we have to give them more powers. But, surely you must know that the powers are worthily placed in the right kinds of individuals as a result of which the people's welfare will be increased and harassment will be decreased.

Over a period of some years, I carry the feeling, especially when I come across such legislation that the tendency on the part of governments, particularly the Government of the day at the Centre, is increasing that merely by passing legislation with some good, desirable objective, you have achieved the results.

SHRI M. RAM GOPAL REDDY: This is the beginning.

SHRI P. G. MAVALANKAR. Progress is achieved partly by legislation, partly by persuasion but mainly by education of the electorate, education of the citizenry, education of the vast masses of people both consumers and producers or manufacturers. If you do not do all these things and merely jump to the last point, namely, make a law and get it passed by Parliament—because Parliament may pass it without having time enough to discuss it, because it has not the competence enough to discuss it—you can say, one more law has been passed now. We can send out posters; then newspaper headlines will come that the Standards of Weights and measures Bill has been passed by Parliament and consumers are not to be afraid and they will all be given justice. But poor consumers, ignorant consumers, illiterate consumers or even literate consumers—they are all in the same boat, without any further improvement!

Therefore, I say in all humility and sincerity—I am not saying this in a critical spirit—let us resist this temptation of passing too much of legislation or passing mere legislation for the satisfaction that we have achieved a welfare state. On these counts, therefore, I feel rather a sense or reservation when I am supporting this Bill. We must have some standard of measurement. Even the Bhagvad Gita talks of the standard of measurement, of right conduct, though in a different context, when it says that the best men in society must behave in such a manner that their behaviour itself become a standard of measurement.

यद्यदाचर—ति श्रेष्ठः तत्तदेवेतरो जनः ।

स यत्प्रमाणं कुरुते लोकस्तदनुवर्तते ॥

The wise and the best men by their conduct shall establish a praman, a measurement of certain behaviour.

स यत्प्रमाणं कुरुते लोकस्तदनुवर्तते ॥

What praman are you going to establish in this legislation in regard to various commodities and goods?

So, I hope the Minister will at least in his reply try to clear some of the doubts and reservations we have in regard to this Bill. Will he tell us what special measures he has in mind, what precautions Government have in mind to remove the possible not only possible but almost definite and clear-cut, expansion of corruption on the part of the bureaucracy and harassment to consumers. Do you think that you will get the consumers' interest protected by this Bill? I do not think that anyone in this House, and much more so people outside the House, the

millions of consumers, will ever be truly, and really saved. Sir, I thank you for the opportunity you gave me to express my views.

श्री डी० एन० तिवारी (गोपालगंज) :

उपाध्यक्ष जी, जब मैंने देखा कि इस बिल के लिए एक ही घंटा है तो मैं बोलना नहीं चाहता था। लेकिन माननीय सदस्यों के भाषणों से ऐसा मालूम हुआ कि कोई समस्या नहीं है कि क्यों यह बिल आया और शायद वह भी नहीं समझते हैं तो बिल लाने से क्या फायदा होगा। यह ठीक है कि देश के विभिन्न स्थानों पर विभिन्न वेट्स एण्ड मेजर्स हैं। एक जगह से दूसरी जगह अलग अलग वेट्स एण्ड मेजर्स हैं। कहीं सेर है, कहीं गण्डा है, कहीं किलो है, कहीं कुछ और है। स्थिति ऐसी थी कि दिल्ली का आदमी पटना में जाय खरीदने तो दो डिफरेंट वेट्स एण्ड मेजर्स मिल जायेंगे। ऐसे : पहले जब एक रुपये के 64 पैमे मिलते थे और जब सी पैमे लागू हुए तो कुछ गड़बड़ों चली, वह गड़बड़ों चली और बहुत लोग जो समझ नहीं सके वह उभरे और गए। ऐसे ही इस में भी हो सकता है। उस बिल का लाने से गवर्नमेंट का एक ही मतलब होना है कि गरीबों को कुछ देर लगेगी, कुछ गड़बड़ों पहले होगी लेकिन अन्त में हावत सुधर जायगी। आज एक रुपये में सा पैमे जो दिए गए उसमें किसी का कोई डिफिकल्टी नहीं होती। सभी समझते हैं कि कितना देना है, कितना लेना है। लेकिन शुरू शुरू में नहीं समझते थे। माननीय सदस्यों में किसी ने भी इस बिल से प्राविजन पर विरोध की बात नहीं कहा है। सबने इसका स्वागत किया है। यह भी ठीक है कि गवर्नमेंट ने एक अच्छा कदम उठाया है, एक अच्छा रास्ता अन्तर्धार किया है। तो हमें जरूरत है कि जो बकिस में डिफिकल्टी हो उसी लिए बाद में आकर अमेंडमेंट करें। आप अपने सुझाव दें कि क्या गड़बड़ियां हैं। सभी तो जो पहले स्थिति थी इसे बिल के पास हो जाने के बाद उससे

[श्री डी० एन० तिवारी]

अच्छी स्थिति होगी, इसमें कोई शक नहीं। पहले तो कुछ भी नहीं था। जो कुछ भी चाहें कर सकते थे। लेकिन कानून बनने के बाद एक रुकावट होगी जिससे इतने घड़िले से गड़बड़ी नहीं हो पाएगी। मैं जानता हूं प्राविगन्स को न समझने की वजह से बहुत से गांव के लोग गलती करेंगे और ठगे जाएंगे। लेकिन यह सब पहले से कम होगा और गवर्नमेंट को देखना चाहिए कि इस कानून से पहले की स्थिति में कुछ सुधार होगा या गड़बड़ी और बढ़ जायगी। किसी सदस्य ने नहीं कहा कि इस बिल के पास होने के बाद और गड़बड़ी हो जायगी। यह ठीक है कि इससे कोई बहुत सुधार नहीं होगा और बहुत जगह गड़बड़ी भी चल सकती है। लेकिन पहले की स्थिति और खराब हो जायगी ऐसा किसी ने नहीं कहा है। यदि बिल लाइवल है अच्छा है सभी इसका स्वागत करते हैं तो फिर इसकी वकिंग में जो त्रुटियां हो सकती हैं उनको सामने रख कर मिनिस्टर को बताएं कि ये त्रुटियां हैं। मैं मानता हूं कि कुछ त्रुटियां होंगी क्योंकि लाखों व्यापारी हैं। उनके अलग अलग वेड्स एण्ड मेजर्स हैं। इस बिल के पास होने के बाद नये मेजर्स लाने होंगे। इसमें वे हिचकेंगे कि पैसा खर्च करें या न करें, उनको लाएं या न लाएं। लेकिन उनको पैसा खर्च करना होगा। परन्तु जो छोटे व्यापारी हैं, दस बीस रुपये का बिजनेस करते हैं उनको डिफिकल्टी होगी लेकिन जब कानून पास होगा तो कोई रास्ता निकालना होगा कि पहले के और आज के वेड्स एण्ड मेजर्स को कैसे बदलें। नहीं तो गवर्नमेंट का अगर विचार है कि एकाएक बदल दें तो यह असम्भव है। ऐसा नहीं हो सकता है। मैं इस बिल का स्वागत करता हूं। लेकिन जो डिफिकल्टीज हैं जो सदस्यों ने बतलायी हैं उनकी तरफ ध्यान जाना चाहिए। यह भी सही है कि जो एम्प्लॉईज होंगे जो इस को लागू करेंगे वह मामूली केलिबर के होंगे। इस के इम्प्लीमेंटेशन की बातें वह खुद भी

समझ सकेगा या नहीं—यह देखने की बात है। इसको कैसे एन्फोर्स करना है—इसके लिये इसमें ट्रेनिंग का प्रावधान है, उनको ट्रेनिंग दी जायगी यक-ब-यक सारे देश में यह कानून लागू होने नहीं जा रहा है। किसी एरिया में पहले लागू होगा, वहां देखा जायगा कि कितनी सफरता मिली, उस अनुभव के बाद दूसरे एरियाज में लागू होगा। कुछ सामानों पर लागू होगा, कुछ पर नहीं होगा—यह गड़बड़ इसमें होगी, लेकिन सरकार को इसमें कौशस्वी चलना है और देखना है कि कहां तक कितने स्टैप्न लिये जायं जिससे अधिक से अधिक सुधार हो सके।

इसलिये मैं समझता हूं कि यह बिल अच्छा है, इसको अवश्य पास करना चाहिये। यह ठीक है कि समय बहुत कम रखा गया है, इसकी 80-85 क्लॉजेज हैं, एक घण्टे में पास करना कठिन है। अगर क्लॉजेज पर ही वोट होने लगे और कहीं डिवाइजन हो जाय, तो कितना समय लग सकता है आप स्वयं अन्दाजा लगा सकते हैं। इसलिये मिनिस्टर साहब को पहले देखना चाहिये था कि हम से कम तीन-चार घण्टे रखे जाते। इस समय हमारे हाथ बंधे हुए हैं, जब तक आप समय न बढ़ावें कुछ नहीं कर सकते हैं। मैं आप से अपील करूंगा कि आप कुछ समय बढ़ा दीजिये ताकि इसके ऊपर कुछ डिस्कशन हो सके और जब क्लॉजेज बाइ-क्लॉजेज पर डिस्कशन हो तो कुछ समय लोगों को मिल सके। लेकिन यदि इस बिल पर कोई आब्जेक्शन नहीं है, इसमें कोई खामी नहीं है तो इसको पास होने दीजिये और आगे जो अनुभव होगा, उसके आधार पर हम लोग बाद में कुछ मुद्दाव ला सकते हैं।

SHRI A. C. GEORGE: Mr. Deputy-Speaker, Sir, at the very outset I would like to express my profound thanks to all the hon. Members who took a very keen interest in the discussion of this Bill and one thing for

which I am particularly gratified is that invariably every hon. Member was one with the laudable concept and intentions behind this Bill. The only thing is that Mr. Mohanty has said that this Bill is brought before this House a bit too late and Mr. Mavalankar has said that it is brought a bit too early. Apart from that, as far as I could understand, the main criticism, if at all there was any, is about the implementation of it. Mr. Daga has raised a very pertinent point about the implementation of the various clauses of the Bill and, subsequently, I think, he himself said that all over the country there are different weights prevalent, especially in local areas which concerns the villagers. It is in fact keeping this in view that we thought that an element of process of education will have to be gone through and the implementation will be in phased manners. But perhaps if hon. Members are given enough time to go through various clauses of the Bill, they will understand that many of the clauses relate to inter-State trading and international trading. Some of the hon. Members are apprehensive about the harassment and the difficulties that might have to be faced by the consumers. I would say that it is not at all so. It is about the inter-State trading and international trading and the local trading is not coming in many of these clauses.

SHRI SURENDRA MOHANTY: It is a matter of vital importance to consumers. The question relates to the protection of the interests of the consumers in India. Now, the hon. Minister says that this bill is primarily designed for inter-State trading and international trading.

SHRI A. C. GEORGE: No, no. It is not primarily designed for that. But Mr. Daga has said about inter-State trading and international trading.

(Interruptions)

MR. DEPUTY-SPEAKER: Let the Minister continue.

SHRI A. C. GEORGE: Mr. Mavalankar was apprehensive that it has been brought in a bit too haste. Sir, this Bill may appear to be too voluminous consisting of 86 clauses. But this has been formulated on the standards suggested by the international organisation concerned in the matter, namely, the General Conference on Weights and Measures. It is an internationally authorised organisation. The other provisions of the Bill are mainly based on draft legislation suggested by the International Organisation of Legal Metrology (OIML). The recommendations made by the CGPM, i.e. the General Conference on Weights and Measures were considered by an expert committee consisting of—

- (a) its Chairman, who is a Legislative Counsel to the Government of India,
- (b) the scientist in-charge of the Standards Division of the National Physical Laboratory,
- (c) the Master of the Government of India Mint at Bombay,
- (d) the Director of Weights and Measures, who was its member-Secretary and
- (e) the Controllers of Weights and Measures of seven States.

Therefore, this has not been done in haste. A lot of thought by experts has gone into this and I would like to dispel any misapprehension in the minds of hon. members that it has been brought in haste or sufficient thought has not been given. Everybody has admitted that this is a laudable piece of legislation to protect the consumers. Unless a Bill is introduced and passed, how can we think of implementation? We approached the problem with caution because this is a large country.

94 President's Proclamation MARCH 2, 1976 President's Proclamation 195
in relation to Tamil Nadu in relation to Tamil Nadu
(St. Res.) (St. Res.)

15.39 hrs.

**STATUTORY RESOLUTION RE.
PRESIDENT'S PROCLAMATION IN
RELATION TO THE STATE OF
TAMIL NADU**

**THE MINISTER OF HOME AF-
FAIRS (SHRI K. BRAHMANANDA
REDDY):** I beg to move:

"That this House approves the Proclamation issued by the President on the 31st January, 1976 under article 356 of the Constitution in relation to the State of Tamil Nadu."

Copies of the report of the Governor of Tamil Nadu were laid on the Table of the House on the 2nd February, 1976. The Governor, in his report, gave in detail the reasons why he came to the conclusion that a situation had arisen in which the Government of the State could not be carried on in accordance with the provisions of the Constitution. He has stated about a series of acts of maladministration, corruption and misuse of power, on the part of DMK Government. There was large scale misuse of Government machinery including the use of police force for partisan ends and even collection party funds. The DMK Government allowed frittering away of public resources for financing wasteful and unproductive projects. This resulted in shrinkage of plan outlays and Tamil Nadu, once regarded as one of the most advanced States in the country, slid down in economic and industrial progress. There were serious administrative and financial improprieties. Of the large number of specific allegations against the DMK Government, the Governor has reported that quite a few of them are serious and not without substance. Even a scheme of urgent public importance, like the Veeranaim Project for the drinking water supply for Madras, was handled in a manner that smacked of favouritism and malpractice in callous disregard of public welfare. The Project, which was started many years ago, made little progress, and the hon. Members would recall the sufferings

of the people of Madras last year due to water famine.

As the House is aware, allegations of corruption personally against Shri Karunanidhi, the former Chief Minister, and other State Ministers of Tamil Nadu, have been repeatedly made, the latest being a memorandum dated the 1st December 1975, received from Sarvaswari K. Manoharan, MP, and G. Viswanathan, MP. The Governor had recommended the appointment of a commission to enquire into the several serious allegations against the former DMK Ministry and, as the hon. Members are aware, a Commission of Inquiry, consisting of a Supreme Court Judge, has since been appointed to inquire into these matters with a view to restoring public confidence in administration.

The affairs in the State of Tamil Nadu had steadily deteriorated, and more particularly during the last few months. After the Proclamation of the Emergency, while an atmosphere was being built up for discipline and orderly progress in the country as a whole, the DMK Government paid little heed to the instructions of the Central Government. The State was turned into a base for propaganda against the Emergency and the measures that followed in its wake, and a refuge for the anti-social and anti-national elements opposed to the Emergency. Censorship regulations were allowed to be violated with impunity, a number of activists of the banned organisations continued to be at large, and the Government made no serious effort to put down the circulation of clandestine literature.

On sensing the utter disillusionment of the public with their performance and their isolation from the people of the State, the DMK leaders sought to whip up sentiments on chauvinistic and parochial considerations. Under the cover of demand for State autonomy, some important

DMK leaders publicly held out from time to time veiled threats of secession, in case the desired autonomy was not granted. Provocative speeches continued to be made in various forums and an atmosphere was sought to be built up for disorder and violence. A stage was finally reached when the continuance of the Ministry in office was causing serious detriment to the interests of the people of the State, and of the country at large.

The Presidential Proclamation in relation to the State of Tamil Nadu, which was issued after careful consideration of the Report of the Governor and other information received in this regard by the Government, has been welcomed by all sections of the people of Tamil Nadu. The feelings of the people were echoed by many of the all India newspapers, including the vernacular press in the State who welcomed the imposition of President's Rule. A leading English daily published from Madras, stated editorially on February 2, 1976, that the removal of DMK Ministry from office was overdue, and was endorsed by large sections of the people, who had suffered nine long years of such mis-rule.

The most important task ahead, as I stated yesterday in the Rajya Sabha, is now to give the people of Tamil Nadu a clean and efficient administration, responsive to their needs, and to ensure speedy social and economic progress, so that this important State gains its rightful place once again in the country.

I have no doubt that all sections of this House and the people of Tamil Nadu will give us sincere and whole-hearted co-operation in this task.

With these words, I commend the resolution for approval by this august House.

MR. DEPUTY-SPEAKER: Motion moved.

"That this House approves the Proclamation issued by the President on the 31st January, 1976 under article 356 of the constitution in relation to the State of Tamil Nadu."

SHRI SEZHIYAN (Kumbakonam): I thank the CPIM party for giving me their chance of priority so that I can open the discussion from this side.

It has been the most unfortunate and most sad day in my parliamentary life to come before the House to point out the most heinous fraud that could be perpetrated on the Constitution and on the democratic and federal set-up in this country. Because of the limited time available, I shall confine myself to certain points that have been raised by the hon. Home Minister to justify the proclamation that has been clamped on Tamil Nadu.

Two things have happened. One is that under 356 of the Constitution, using the extraordinary power given there, they have dissolved the Assembly and dismissed the Ministry. The second action has been to institute a commission of inquiry to go into the allegations of corruption that have been levelled against the Ministry.

15.46 hrs.

[SHRI C. M. STEPHEN in the Chair.]

The Governor in his report has stated

"The present DMK Ministry, in a series of acts of maladministration, corruption and misuse of power, for achieving partisan ends, set at naught all canons of justice and equity which are the hallmark of a democratic administration."

I agree with him on the canons of equity and justice for which he too, I am glad, has got some concern even at this stage.

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I agree with him on the canons of equity and justice for which he too, I am glad, has got some concern even at this stage.

[Shri Sezhiyan]

Before going into the details, let me make myself clear in a general way on one point. I welcome the commission of inquiry if it is going to help cleanse the atmosphere in the country. Irrespective of the persons involved, wherever there are allegations of corruption, they should be looked into. Just because it has been made against the DMK Ministry, I do not say that the inquiry should not be done. If there has been any corrupt activities done by them, they should pay the price for it. Just because they belong to my party, I do not defend them. Similarly, I also want you to see that just because it is an opposition party, you do not use this as a stick to beat the duly constituted representative Government out of that State.

I place the party above individuals and the welfare of the people above the party. If the party stands in the way of the welfare of the people, it cannot thrive. I do not want to subscribe to such a party and if there are certain persons who take advantage of the position of the party, they should also be cleared. After all, we are all here not for any individual party or for some particular individuals. We are here to do some good to the people of the country. That is the final aim and objective of those who come into politics. I am one of those who still believe in the dignity of politics. I am proud to be a politician. Though the word "politics" has acquired a very repulsive and stinking nausea in this country, still I believe honest work can be done in politics as one of the most vital sectors in the life of this country. Therefore, I am not here to defend any corrupt practice perpetrated by this Government or that Government. But I want to know—how the charges of corruption have been taken as proved before any chance has been given to the affected party to defend themselves, how this procedure of a very hasty action against the Government, against the Assembly as a whole, has been evolved?

I should pay tributes to the Congressmen themselves, because in several States, starting from the Kairon days, they themselves have been levelling charges of corruption against their own party Government; it may be out of personal differences or with an honest attempt to cleanse the atmosphere, to root out political corruption in the country. I want to know what the standards are; I want to be enlightened on the norms, on the procedures that you have evolved all these years, because this is not the last Government that is going to be there; probably you may have to topple many more Governments in the years to come; probably you may have to topple your own Government which you may not like! What are the norms you have evolved and the procedure that you are going to adopt at least hereafter to deal with allegations of corruption?

Take, for example, the classical case of Punjab. The first Commission of Inquiry was constituted under Justice S. R. Dass. Serious allegations by the Congressmen themselves were raised in May 1968. But when those charges came to the High Command, to the Central Government, to the Prime Minister, they were set aside as non-sensical, as "fantastic frivolous and absurd." There was one petition of Dr. Pratap Singh which went to the Supreme Court on an allegation of malafides on the part of the Chief Minister, Pratap Singh Kairon. The Supreme Court upheld the petition and decided against the Chief Minister in acts of malafide in that case. Only after that, when the case was decided, the Central Government was forced to move into the matter and they appointed the S. R. Dass Commission of Inquiry to go into the charges of allegations given by some 20–25 persons to the President. I am narrating all these

things to show that even when the Commission of Inquiry was constituted, the Assembly was not dissolved. The Chief Minister continued to be in his post till the Commission of Inquiry went into all these allegations and gave its report.

AN HON. MEMBER: He went under Kamraj's plan.

SHRI SEZHIYAN: After that, I think, there was a change of the Ministry here. Mr. Lal Bahadur Shastri assumed the Office of the Prime Minister. About three days later, the report of the Commission of Inquiry came. Even then the Press reports said that the Chief Minister resisted the idea of resigning. The Prime Minister, Mr. Lal Bahadur Shastri threatened to publish the entire report and he did publish it.

(Interruptions)

SHRI H. M. PATEL (Dhaukhuka): The report came during Prime Minister Nehru's time.

SHRI SEZHIYAN: No, I think the report was submitted when Prime Minister Lal Bahadur Shastri was there.

(Interruptions)

Let us not go into details. When serious charges of corruption were made by the Congressmen themselves, when a Commission of Inquiry was appointed, when even the Commission held certain charges as having been proved, still the Assembly was not dissolved. Only the Chief Minister was allowed to resign, and the matter ended there.

I do not want to quote all the cases because they are galore. State after State, such allegations have been coming. There are allegations not in one or two cases, but so many, in hundreds, have been raised in U.P., in Orissa, in Madhya Pradesh, in Bihar and in so many other places. I may be excused in not knowing all

the States involved, because it would make a long list.

Now, for example, in the State of Bihar, allegations of corruption have been continuously pouring in; still recourse to article 356 was not taken. Allegations of corruption swelled in such large numbers that even one of the Ministers holding office there burst out. This is a report dated May 23, 1972—"Bihar Minister's Outburst Against Party Legislators." It has been reported:

"The Bihar Food and Supply Minister Mr. Theodore Bodra, in an angry outburst yesterday described all legislators, MPs and Ministers of Bihar as 'dishonest'."

Mr. Bodra shouted, "How am I to control the prices of these commodities when right from the Supply Inspectors to the Commissioners, everyone wants a share of the loot. Even legislators, MPs and Ministers are thieves. What can I do as a Food Minister alone? It is a thankless job for me."

This is what he shouted. Again, he said:

"I have suspended 14, but I have not been able to suspend one officer who deserves exemplary punishment because I am getting many telephone calls from legislators and Minister requesting me to stay my hand when an innocent officer has been made a scapegoat to save him."

He himself has revealed the extent to which he has been put to harassment.

Mr. Bhandare who has been our colleague here and who went there as the Governor openly met the press and gave out the stinking report that he was getting the *prima facie* case that he was able to investigate and find out. But article 356 was nowhere in sight before them then. No action was taken either to dis-

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miss the Ministry or to dissolve the Assembly.

Then, the hon. Member here was impatient about Haryana. I should include it also here. The Members of the Opposition gave a memorandum containing charges of corruption. 121 Members of Parliament sent a memorandum backing the charges of corruption and sent it to the Prime Minister and the President. What happened to that one? Here, 2 or 3 Members of Parliament gave a memorandum. I have got much respect for them. I suppose two MPs coming from Tamil Nadu command more respect than 121 MPs. It is not the number that matters. I am not counting the numbers. Certain Members of Parliament got serious apprehensions about corruption that has taken place there and, therefore, they gave a memorandum. In the case of Haryana, 121 MPs gave a petition. But still it is gathering dust in the shelves of the Home Ministry without any action being taken.

Then, there was a petition against the Karnataka Government also. I think, the petition was given only very recently. The Public Accounts Committee Report of the Karnataka Assembly gave a very horrid picture about the things happening there. In respect of Tamil Nadu, these are all allegations only, still not proved. There may be some substance in them or no substance in them. There are yet unproved allegations only. Here is the Public Accounts Committee, 1974-76, Fourth Report (Fifth Assembly) on the Appropriation Accounts and the Audit Reports for the Years, 1971-72 and 1972-73 and Cooperative Institutions. As everyone knows, the Public Accounts Committee consists of Members drawn from all parties in the State Assembly. That has given a unanimous report. This is the finding of the Public Accounts Committee in p. 534:

"After searching examination and careful perusal of the records of the Federation and the report and evidence submitted before the Committee, the Committee have come to the inescapable conclusion that the President and some of the Directors and its Officers have by wilful collusion and connivance with private persons and firms defrauded funds to the tune of crores of rupees in all the transactions of the business during the years under reference and they have committed breach of trust and utterly failed in their duties and responsibilities in safeguarding the interest of the Federation."

Sir, the painful part of it is that the President alluded to here is now a Minister in the Cabinet, and no action has been taken on this examined and concluded portion of the Public Accounts Committee's report. No action has been taken under 356. The Assembly is still going on and the Ministry remains undisturbed. I understand that as many as 99 charges have been levelled against the Ministry in Karnataka. The Congressmen themselves have given so many petitions and a Committee constituted by the Congressmen have found this to be a priority case for taking action against, but article 356 has not been taken recourse to.

14 hrs.

I want to make one point clear here, that we are in principle opposed to the constitution of a Commission of Inquiry by the Centre. That is why, when the Haryana petitions came and the Karnataka petitions came and they asked me to sign, I said that there may or may not be substance in it, but I don't subscribe to the view that the Centre should constitute an Inquiry Commission to go into the States' affairs because our principle is that, in a federal system, the Government working in the State is responsible

to the State Assembly and the State people. Unless you have got a permanent machinery which is impartial, to go into all the charges without fear or favour and without giving consideration to whether it is convenient for the ruling Party here at the Centre or not, unless some such machinery is devised and some institution is founded, we cannot give the discretionary power to pick and choose to the Central Government. That is why when the petitions came from Haryana and they belonged to the Congress Party to which we are opposed, we did not sign them. And when the Karnataka petitions also came, I refused to sign on the plea that they should take it to the Karnataka Assembly and the people there and to fight it out in a political way in the elections.

Now, Annadurai—our beloved Anna—has, after his death drawn some enconiums from the Minister here. The Home Minister said that Tamil Nadu had suffered for nine long years, under the DMK rule. Probably he forget that in the first two years, Anna was the Chief Minister but because he is dead, they have forgiven him and given him some praise. But, if you care for his views, he was also very much against the constitution of Commission of Enquiry by the Centre on state affairs. He accepted the idea of 'Lokpal' but he included the Ministers also and he said that the machinery should be at the State level. Just as the State cannot hold an enquiry against the Centre, the Centre should not be allowed to hold an enquiry against a State.

I also want to know what happened to the Santanam Commission's report. It made a good study of the subject matter. In the entire Second Five Year Plan they analysed certain

Sectors and they calculated that in one Department of the Central Government—in the constructions and supplies alone—money to the tune of Rs. 140 crores had been lost due to corrupt practices. If anyone cares, they may consult the report. One small department alone cost Rs. 140/- crores to the exchequer by way of corruption. Afterwards, there was a talk of Lokpal and Lokayukta Bill. What happened to that? It was introduced in May, 1968 and was referred to a Select Committee. The Select Committee went through that for about a year, and in September, 1969, it came up for discussion in this House and this House passed that. And when the House got dissolved in 1970, it lapsed. Again it was introduced in 1971. If one sees the bulletin, one will find that that is the first item in the pending Bills from 1971. This Emergency and even the slogan 'work more and talk less' have not produced any results as far as Lokpal and Lokayukta Bill is concerned. I would like to ask the Minister if he is prepared to introduce and finalise this thing. I want an impartial judicial machinery to go into all corruption charges. Here, as far as the Tamil Nadu Government is concerned, they are put under a Commission of Inquiry. Let us wait for their results. If there is anything wrong done by our partymen, to the extent possible our Party will take care of them. If anything is found out which has affected the administration in a malicious way I will not stand in the way of Government taking any action against them after proving. But these charges had been kept almost a secret. They were not published when these charges were handed over to the President. It is to the credit of the Madras Assembly that they took up the matter, the matter was discussed there and they gave the replies also and placed them on the Table of the House. It was the DMK Government that made that public, along with the replies. On that score, I am not saying that everything has been cleared. But they adopted certain

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procedures. Even the common courtesy of making that document public has not been observed by this Government till the date of dismissal of the DMK Government.

If you read the report of the Governor, it will be very apparent. He says:

"I have refrained from referring to these matters in any formal report firstly in the hope that the Ministry might improve its style of functioning and things might take a turn for the better and, secondly, my action may be construed as undue interference in the functioning of a duly elected

That means, he has not made any reports about this earlier. I do not know how he imagined and entertained that hope—because we are not astrologers or mind-readers.—He says: '.....firstly in the hope that the Ministry might improve its style of functioning'—without pointing out what were the defects. How are we to know what are our defects? No report was made by the Governor earlier. The DMK Government was not asked by this Government or by the Governor earlier about these matters. For the first time, in a big way, he comes out with this report.

Here, my basic approach is this. I am not perturbed about the DMK Government going out of power. It has been in power for nine years. It is prepared to go to elections. People may decide this way or that way. You say, 'If election come, we alone will win'. I am not saying anything of that sort. If one party can claim to win all the elections, then elections need not be held at all. But we have been demanding elections in March, 1976 itself. We have said 'Put it before the people' let them decide about the performance of this Government; that is the only proper and

political way to judge a Government'. We have said this. We did not hide away from this; we did not want extension. Even for Lok Sabha we said, 'Go to the people and get their mandate'. At that time one Congress speaker in Tamil Nadu said, "They are talking of elections; we are ready to have elections; we will win the elections, but do not ask 'how'; anyhow we will win the elections!" But I do not say this. People may decide the other way. In some elections, they have decided the other way. In the case of Pondicherry, from the ruling Party, we were reduced to two. And when the President's rule was imposed, when I was fighting the Presidential order and other irregularities in this very House. I demanded that elections should be held, knowing full well that my Party may not win the majority of the seats. . .

SHRI ARAVINDA BALA PAJANOR (Pondicherry): Your partyman was responsible for toppling the Government down.

SHRI SEZHIYAN: Constitutionally.

SHRI ARAVINDA BALA PAJANOR: Not Constitutionally; unconstitutionally.

SHRI SEZHIYAN: What was unconstitutional there? The Assembly was called. A motion for vote on account was moved. It was not unconstitutional. And majority of Members voted against the Government. It was not unconstitutional.

SHRI ARAVINDA BALA PAJANOR: It was not decent on the part of the ex-Minister belonging to your Party to steal the Budget papers using his previous influence.

SHRI SEZHIYAN: Whether another unconstitutionality has been done there, I do not know, otherwise I would have raised that also.

SHRI ARAVINDA BALA PAJANOR: You are demanding elections; what about the ex-Ministry there that never conducted the Municipal elections?

SHRI SEZHIAN: I can show you States where for 13/14 years, municipal elections have not been conducted. Whatever punishment you are giving to those States, give that also to Tamil Nadu. I am prepared to accept that.

When I demand elections, it is not for the convenience of my party, but it is because it is the constitutional duty and the right of the people to choose persons whom they want to occupy the seats of power.

Now about Article 356 and the use of this Article, certain apprehensions were expressed even at the time of Constituent Assembly. I am coming to the very basic question, the question how a new criterion is being created in the Indian constitutional procedure, in the Federation, that a State Ministry has to function not only to the satisfaction of the Assembly, not only to the satisfaction of the people there, it has to function to the satisfaction of the Central Government, of the party in power in the Central Government. This is a new criterion that has arisen and this has been made amply clear by Mr. K. Santhanam, when he issued a statement which has appeared in the Eastern Economist paper. He said that he welcomes the Commission of Enquiry, but it should not be made a political instrument for a biased party to use it at the convenient time and convenient place. Instead of that, he wanted a permanent machinery to go into these charges. I do not have an objection if they create an impartial, permanent judicial body which goes into the allegations of corruption, whosever raises them, against whomsoever they are raised.

When Shri H. V. Kamath raised this question in the Constituent Assembly, he was very categorical and clear. The Constituent Assembly was discussing the present Article 356,—it was then Articles 278 and 278A, and Shri H. V. Kamath said:

"This whole Constitution will be in danger not so much from those who are agitating in the streets as from those who are in power, in case these articles are adopted as they are. If the House wants such a thing to happen, let it say so. Let us not say in the Preamble that we shall have a democratic republic. We are here seeking to destroy the foundations of democracy."

Later on, Pandit H. N. Kunaru put a question to Dr. B. R. Ambedkar :

"May I ask my honourable friend to make one point clear? Is it the purpose of Articles 278 and 278A to enable the Central Government to intervene in provincial affairs for the sake of good government of the provinces?"

The charges that

The charges that Shri K. K. Shah has indicated like mal-administration and other things mean that there was a bad government. It has to be looked into. But the question is, whether the Central Government has a right to intervene in the affairs of a State, if it feels that it is a bad Government. If there is a break down of law and order, you take it over, that is all right. If the particular Ministry does not enjoy the majority in the House, then it becomes possible. Suppose there is an apprehension or a report or a complaint or allegation that it is a bad government, can the Central Government intervene? That is the question that Pandit Kunzru put. The hon. Dr. B. R. Ambedkar said:

"No, no, the Centre is not given that authority".

This is because, it is a political decision to be taken by the people.

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It is a constitutional prerogative of the Assembly to vote down a Ministry and the democratic right of the people to change it by the ballot box if it is found to be a bad government. What will happen if you give these powers to the Centre? Then the State Government will function not only to the satisfaction of the majority of the House, not only to the satisfaction of the people at the elections but it has to function looking for the satisfaction of the centre also to get its benevolent protection....

SHRI SOMNATH CHATTERJEE (Burdwan): That was pre-emergency meaning.

SHRI SEZHIYAN : Explaining these things, Dr. Ambedkar put it very clearly:

"In regard to the general debate which has taken place in which it has been suggested that these articles are liable to be abused, I may say that I do not altogether deny that there is a possibility of these articles being abused or employed for political purposes. But that objection applies to every part of the Constitution which gives power to the Centre to override the Provinces, (i.e. the States). In fact I share the sentiments expressed by my hon. friend, Mr. Gupte yesterday that the proper thing we ought to expect is that such articles will never be called into question and that they would remain a dead letter."

What a pious hope he had: Thirty-six times Article 356 was invoked and at least three Ministries, the Ministry of Kerala in 1959, the West Bengal Government in 1969 and in 1976 the Tamil Nadu Government have been dismissed even though it has not been proved that they have lost the majority inside the Assembly.

Then, proceeding further, Dr. Ambedkar said:

"If at all they are brought into operation, I hope the President, who

is endowed with these powers, will take proper precautions before actually suspending the administration of the province. I hope the first thing he will do would be to issue a mere warning to a province that has erred that things were not happening in the way in which they were intended to happen in the Constitution. If that warning fails, the second thing for him to do will be to order an election allowing the people of the province to settle matters by themselves. It is only when these two remedies fail that he would resort to this Article. It is only in those circumstances that he would resort to this Article. I do not think we could then say that these Articles were imported in vain or that the President had acted want only."

Therefore, whenever there is a complaint of a bad government in a State, Dr. Ambedkar who had been the master-mind in the making of the Constitution said that at the first instance the President should warn the erring State of the deficiencies found in the Government of the State there, if the State does not mend itself, the second step will be to allow the electors to decide what should be done with the bad government. Only when these two things fail, the powers given in the Article 356 should be used. That is what Dr. Ambedkar said in the blessed year of 1949 which has been forgotten by this government and its predecessors when they disbanded the Kerala Government, when they sent home the West Bengal Government and when they adopted the same course in Tamil Nadu also.

I said about Kerala. It happened in the year 1959. Even though we were no less unfriendly in the eyes of this Communist Party, we still supported them in our papers and platforms, that a very dastardly action, a fraud on the Constitution was committed when those Governments, the non-Congress Opposition governments wherever they have

been formed, have been wiped out if no other opportunity was available to the Party in Central Government. At that time, Mr. Dange, speaking in this House on 17th August 1956, on the Resolution regarding the proclamation in respect of Kerala, said:

"Therefore, it is true that their idea was not democracy, rule of law, dignity and all that. It was complete hatred for Communist Ministry and a desire to get rid of it somehow. If that is democracy, in that case, I do not know what is dictatorship. If under Article 356 of the Constitution, this is the way in which that Article is applied, if this way is a democratic way, I would like to know what would be the dictatorship."

Probably he was an affected person as the government run by his party was let down in Kerala. At that time, Mr. Khadilkar—I do not see him here.

SHRI P. K. DEO (Kalabandi): He was in the Opposition then.

SHRI SEZHIYAN: He was in the Opposition but he did not side with the Communists. I have gone through the records. He said:

"I do recognize that events had come to a pass when central intervention was inevitable. There is no escape from it."

He painted a dismal picture of Kerala by saying:

"They say that they are disgusted with the party rule once for all!"

Even though he was in the Opposition, he did not see eye to eye in all the matters with the Communist Party. Later on he went to the Congress Party. He was the Deputy Speaker of House, then he became an hon. Minister; he is now an hon. member. He said: "Are we to understand that

this Constitution is to be operated by the Union Government to their convenience. If you are going to support this proposition, in this country there is no possibility of any Government—leave aside the Communist Government—functioning in any State which is not falling in line with the Congress completely."

Therefore, this ruled out completely that no other party can form any Government in any State which does not meet the satisfaction of the party in power in the Central Government.

When the question of West Bengal came in 1968, what was the role of the Governor? I think the hon. member to my right who is a Leftist—Shri Indrajit Gupta—complained very bitterly while speaking on the West Bengal Legislative Delegation of Powers Bill—

"Everything the Governor has done upto now since his induction in Governor's office proves without a shadow of doubt that he is motivated by the sole interest of looking after the ruling party's interest as dictated by the Home Ministry."

What had been his sad experience, I feel the same in the State of Tamil Nadu.

Naw-a-days I find Shri Shah has been one of the most ardent and enthusiastic speaker's, be it a club in Madras, Bombay or in Delhi. He is one of the outspoken spokesman for the Congress (R) Party for emergency and proclamation of this emergency. On 27th February, he has spoken in Madras—which has been reported—

"The Tamil Nadu Governor, Mr. K. K. Shah, today described the President's rule in the State as the 'harbinger of a clean, impartial, efficient, upright and just administration'."

[Shri Sezhian]

The whole of Tamil Nadu has celebrated the dismissal of the DMK Ministry as a day of deliverance."

This is the report which has been given by the Governor about ten days ago, in the Collector's Conference.

Our hon. Minister also said that for the past nine years Tamil Nadu has been groaning. Mr. Shah became a Governor in 1971. He spoke in the Collectors' Conference. In 1973 thus:

"My stay in Tamil Nadu for a little over two years now has convinced me beyond any shadow of doubt that the administration is in tune with the declared policy of democratic socialism and giving a lead to other States in recognising the common man as the real master."

In the year 1974, addressing the Annual Conference of Collectors and Police Officers held at Rajahm Hall on 27th July, this is what the Governor said—

"I am also happy that the administration is in tune with the declared policy of democratic socialism, is capable of maintaining healthy standards and giving a lead to other States in recognising the common man as the real master. The efficient execution of Manu Neethi Thutham, the provision of house-sites, the ameliorative measures like campaign against blindness, the anxiety to make beggars useful members of society, the efforts to replace hand rickshaws by cycle-rickshaws, etc. cement the rapport of the masses with the administration and reduce the gap which we otherwise notice between the source of power and those who are far away from them.

On 26th June, 1975 emergency came. It is alleged that afterwards a sudden turn has come in the attitude and functioning of the State Government.

After the emergency at the Collector's Conference held on 5th July, 1975, he said:

"The Government of Tamil Nadu under the dynamic leadership of our able Chief Minister Dr. Kalaignar Karunanidhi has been taking up one scheme after another to help the weaker sections of society Tamil Nadu can take legitimate pride in the fact that considerable progress has been registered in the allotment of house-sites to Harijans."

I can go on quoting many things but I do not have the time. I wish to give the latest one. This is published in the Hindu and this is dated 23-10-75. He said:

"The Tamil Nadu Government's many social welfare schemes for the poor, orphans, and those neglected by society, were praiseworthy and deserved emulation by other States."

This is in October, 1975 where he says, what is done in Tamil Nadu deserves to be emulated by other States. I don't want to go into all these details. It will take time I will give statistics about Veeranam project at the time of the Budget discussion.

Here is a book published by the Government of India "A Hundred New Gains" Take page 21. The heading is 'Land to the Landless'. It says:

"Since the declaration of Emergency, almost all the States have accelerated the redistribution of land. In Kerala, nearly 1,50,000 hectares of land has been distributed among 3,28,500 landless labourers. Tamil Nadu has distributed nearly 10 lakh acres, West Bengal nearly 5 lakh acres, Orissa 2.46 lakh acres and Uttar Pradesh 1.23 lakh acres."

I have got reservations on all the figures but I am giving this statistics which has been given by the Centre

itself. The Governor has been paying so many encomiums to the Chief Minister and even I on the party platform would not have praised him in much profuse terms. On the evening the proclamation was going to be issued. On the 29th he has already sent a report. On the 31st morning in the Gandhi mandap there was a memorial service to Gandhiji in which he said: "The Tamil Nadu Government is following the footsteps of Mahatama Gandhi in the most exemplary way! This is what he said on the 31st January itself.

Mr. Indrajit Gupta says that the Governor has been bluffing us. I do not know whether he has bluffed us or by his report and other speeches he is bluffing the Central Government now. He may keep you in the dark and continue to bluff you.

They have framed certain charges—allegations against the Government—unproved allegations. I should say. They ordered an inquiry because they were not quite sure; at least they wanted to give it a judicial character because allegations by themselves do not call for conviction.

In this case, you dismissed the ministry; you dissolved the Assembly. Suppose the Commission finds later that all these allegations are without basis, how are you going to rectify this? Are you going to bring back the Assembly retrospectively? What is the way out if these allegations are not proved? How can you assume that the Commission is going to find a clear case as you wish? (Interruptions). Now I want to raise one basic question. They have made charges against this Ministry. They made those charges to create an atmosphere in the political field. If the Ministry is suspended will it not be enough? Why should you dissolve the Assembly? Why don't you keep it in suspension till some clear picture is available? (Interruptions)

SHRI DINEN BHATTACHARYYA
(Serampore): Because it is in U.P.!

SHRI SEZHIYAN: Because he mentioned the name of U.P. I want to refer to a different procedure adopted there. When the U.P. Ministry resigned on the 22nd February 1968, the Governor sends a report saying that the Ministry has resigned and there is nobody else to take that place.

He advises the President not to dissolve the Assembly on the reason:

"There is also the consideration that as many as 12 Members of the Rajya Sabha will be retiring shortly and the State Legislature has to elect new Members in their place. If the Legislative Assembly is to be dissolved now, new elections may not be possible till some time after the next rainy season and until then, the 12 seats in the Rajya Sabha will remain unfilled. Leaving such a large number of seats from Uttar Pradesh unfilled in the Rajya Sabha will not be in the interest of the State, and for that reason also, I do not think it desirable to dissolve the Legislative Assembly at this juncture, but feel that it will be in the interest of the State if the functioning of the State Legislature is merely suspended."

What is good for U.P. appears to be not good for Tamil Nadu! There also six seats are to be filled for Tamil Nadu in the Rajya Sabha. Suppose the Assembly continues, its normal life would have been till 21st March 1978. You might have held the election and elected the Members. When you apply one logic to U.P. the same logic may as well be applied in the case of Tamil Nadu. Tamil Nadu has got six members, at least half that of U.P. Why don't you show to us half the anxiety which was shown to them?

Now I come to the two serious charges that are being made by the Home Minister. One is the charge of secessionist programme of the DMK—the other Anti-Hindi. One funny thing

[Shri Senhayan] is this. If you go through the Governor's Report, many things are not there. Slowly and steadily some of them are being invented and day by day, they are getting new grounds. When the Prime Minister came to Madras, she said that she had information—may be, she had information from the Central Government—because I do not think she personally might be collecting all information. Whatever brief is given, she tries to use that. She said that the Central Government had information that on 1st, 3rd and 5th the DMK had planned violent demonstrations. I do not know who prepared the brief for her. Probably some numerologist who believes in the odd numbers!

The governor sent his report on the 29th. But, that does not contain these dates 1st, 3rd and 5th. Against whom were these demonstrations planned? Did we organise it against our own Government? Actually on the 1st we had a series of meetings that were organised throughout Tamil Nadu to propagate to the people the achievements made by Tamil Nadu in the last nine years. It was an 'Achievement Day' on the 1st, 3rd March was the memorial day—the day of death of our Leader Anna about whom they themselves do not have anything against. I do not think—I say this in all sincerity and honesty—that anything had been planned or thought of for the 5th.

Now about the anti-Hindi "business" the hon Minister said in the other House. He has made it a "business".

It is true and is a past history that DMK started as a secessionist movement. If you go into the background you will find DMK has come out of the DK, and DK has been born out of 'self-respect' movement which was started in 1926. The Home Minister said in the other House that DK is the father or mother of DMK, I would like to point out that DK has come out of the 'self-respect' movement and the 'self-respect' movement has

come out of the Congress party. Periyar Ramaswamy was an ardent congressman. He was the President of Tamil Nadu congress when he left the Congress and started this one. The 'self-respect' movement was started as a revolt against social oppression against caste system, against high born and the low born, against superstitions, against the rituals, etc. It was a social upheaval on behalf of the downtrodden, on behalf of the untouchables, on behalf of the low caste people and on behalf of the people who for thousands of years had been put on the lowest rung in the social system. It was a revolt against social injustices that had been perpetrated for centuries. This movement was called 'self-respect' movement because it fought for the human dignity and created self-respect and self-confidence in the minds of people.

Later on in 1937 when Rajaji came as the Prime Minister of Tamil Nadu province, compulsory Hindi was introduced. This created an upsurge there and an apprehension that the Tamils and their language would be downgraded. Then there was great agitation and it gave birth to the anti-Hindi movement. After that the anti-Hindi movement was converted into Dravidian movement. The concept of the Dravidian group took shape.

Afterwards when Independence came Periyar Ramaswamy felt that in India as a whole if Tamil Nadu were to remain there, then it would be put to this domination, namely, the linguistic domination. The exploitation of one region by another region will be there. There was this apprehension. He was demanding a separate State. Mr Annadurai differed with this. He welcomed Independence of this country whereas Periyar Ramaswamy observed it as a mourning day.

In 1949 DMK parted as a political party out of the DK. Slowly and steadily we began to appreciate a few things. We thought if there was a real federal system in this country

based on the democratic principles, each language would have a place, each minority a legitimate protection, each State that has been organised on a linguistic basis can have its own affairs conducted in its own language, in its own traditions. Therefore, there will not be exploitation of one region by another.

Specially when the Chinese attack came, more wisdom dawned on us. We realised that if we got divided, probably we would fall a prey to other powers and we might all be subjugated. At the time, we should remember it was the capacity and far-sightedness of the late Pandit Jawaharlal Nehru that was responsible for the assurance that was given. Advertisements came in the Tamil Nadu press and throughout the State in wall posters 'Prime Minister's Assurance.' He assured us that English will not be removed as long as the non-Hindi people wanted it. Because at that time people in the south were agitated that their language might be subjugated and replaced.

When I speak on this question, I want to make one thing clear. 'Anti-Hindi' does not mean that I am against Hindi. It is a language spoken by millions of people. Nobody chooses his birth place or his language. It is an accident. Suppose I had been born in Delhi or Patna or Banaras. I might have been speaking Hindi, probably a better Hindi than many of my friends here. Just as you are attached to your mother, you become attached to your mother-tongue also. Therefore, I have no hatred against Hindi. It is fortunate, a fortunate accident that I speak Tamil. It is a matter of convenience; it is convenient for the people of Tamil Nadu to conduct their affairs in Tamil. If somebody imposes some other language, there is resistance.

SHRI VASANT SATHE (Aldh):
It is also an accident that you speak in English.

SHRI SEZHIVAN: That is correct. I fully appreciate Shri Vasant Sathe's point. Suppose we had been born in a French colonial territory, probably we would be speaking the French language instead of English. I hold no brief for English. If I were to speak in Tamil here, I would be able to express myself better and pour out my agony, then thoughts from my heart in my own language. That is the trouble.

Therefore, there was apprehension in the minds of the people there. That appeal was made by Pandit Jawaharlal Nehru. At that time, we were inside jail. Then we came out forgetting our struggles. We immediately started a campaign and went door to door and to street corners collecting money for the Defence Fund. At the time of the Chinese aggression, a crucial time came. We did not betray, the solidarity of the country; we did not betray the federal character of the country, because we felt that in a federal system working on a democratic basis, Tamil Nadu would have its rightful place, the interests of the people of the region would be secured, the minorities, whether linguistic minorities or religious minorities or other minorities, would be protected. All these things would be mutually possible and beneficial. Therefore, the secession idea was not continued. Just because one Party had preached it once, though it has left it once and for all and it has been accepted by everybody, can one make a boggy of it now?

I will quote one instance. In my student days, I used to read very avidly communist literature. Even today I read it, because I have some faith in the humane aspects they preach. At that time, I had read this *Final Bid for Power* published in 1948 by P. C. Joshi, General Secretary of the Party. There it was said:

"The Communist Party puts forward the concept of India as a family of free nations. The CPI

[Shri Sezhiyan]

guarantees every section of our peoples free development of their own choice...."

Because at that time they wanted not one Constituent Assembly; they propagated for 17 Constituent Assemblies for India elected by universal franchise etc.

"The right of full self-determination shall also extend to the people of Indian States not only as their inalienable right, but as an essential part of the plan of real Indian freedom, or the final liquidation of the British rule and its princely agent.". At that time, they were talking about 17 Constituent Assemblies

SHRI INDRAJIT GUPTA (Alipore)
It was all long long ago Why speak of it now?

SHRI SEZHIYAN: Yes, at that time these ideas were there That was thought of as the best solution in that context. At that time, we had also felt that only separation could solve the problem. But afterwards we found out that we could not cut ourselves away and go into the Bay of Bengal or the Indian Ocean

MR CHAIRMAN: You have taken one hour; please conclude. There are a large number of speakers

SHRI SEZHIYAN: Therefore, even now I say this. I am not for secession; my party is not for secession. If anybody talked in that way or in a way that gives an impression to that effect, I request the hon. Minister to take penal action against him. When certain persons in my party did like that, we suspended them; our own government prescribed papers in which such feelings were voiced. Recently one such member who was saying such things has gone out of our party. I do not know whether he has joined the Congress party by this time. Sometimes people speak in a rash way. Sometime ago Mr. Shashibhushan made a wonderful suggestion that India should have a limited dic-

tatorship. Am I to take it that he speaks for the whole of the Congress Party and that it is the policy of the Congress Government?

SHRI DINEN BHATTACHARYYA:
Why not?

SHRI SEZHIYAN: Let me quote what the Prime Minister has herself said about us in 1970; I am quoting from The Mail of June 6, 1970:

"Mrs. Indira Gandhi in a recent interview to the Turkish Press team which visited India had said that the Congress was left—to the—centre party. The Prime Minister was interviewed in regard to party and political issues ranging from centre-state relation to polarisation in the party. She said that the DMK which had earlier put forward the demand to separate the South had given up that demand and integrated itself into the broad national front."

This is what she said in 1970; of course then we were all very good friends inside the House and outside the House. In 1971 we fought the elections together. If you take our election manifesto of that time, it speaks of State autonomy. Therefore, things cannot have become different.

The Home Minister said: "All the papers and the people of Tamil Nadu have welcomed and supported the action taken." But could I write the other way? Am I allowed to speak differently or to hold a meeting in Tamil Nadu, not in this beach but at least in a small maiden? Will I be allowed to hold a meeting to criticise any step, even within the framework of the emergency?

A group of American farmers met the Prime Minister at her residence on the 20th of last month and she was asked about the liberalisation of the emergency and the Prime Minister said that a lot of persons had been released; she also said: "There is no pre-censorship". I am quoting this

instance to show that the Prime Minister is not well informed of what is happening in the country. There is pre-censorship in the country. I am not accusing her of saying a deliberate untruth. Why is she not kept informed of the true state of affairs? On August 11, 1975 the Press Censor in Madras issued an order to our party paper, *Murasoli* which says:

"Under rule 48(1) of the Defence of India Rules, 1971, I would advise you to submit all material including editorial, feature articles, news stories, advertisements, pictures, cartoons, etc. for pre-censorship with immediate effect from August 11, 1975."

Pre-censorship continues even more not only for *Murasoli* but also for 'Kazhaga Khral' for 'Tughlak' and for other papers. I hope the Prime Minister will look into that. Is it being done against her wish, without her knowledge?

We want parliamentary democracy in this country to function on a federal basis without its being impaired, but by such acts, federalism is being cut out and democracy put at naught. The Governor in his report refers to "... Cannons of justice and equity which are the hall-mark of democratic administration....". That is what I want, I want justice and I want equity. I want justice to be done to the persons who had been accused, justice to the government which had been accused. They should be given a chance to explain their stand, what they have done in their short life span of nine years. Possibly they are not very big things. The Governor himself has reported them. We may have given some land to the landless, some cycle rickshaws to band rickshaw-pullers, artificial limbs to the maimed, some street lights to dark hamlets, little houses and flats to the slum dwellers. All these may look a small thing for you. But they brought some human dignity to those miserable people; for small men they have been great things. But at the Centre

crores of rupees have been spent for nothing.

"Occasional Speeches and Writings" by Dr. Radhkrishnan, there is a worthy passage:

"The democratic approach is by persuasion, argument and adjustment of conflicting views. If there is a difference of opinion, one can say—'agree with me or I will hit you,' or—'let us sit down, understand each other and decide.' The latter is the democratic approach. It believes that love is better than hate, co-operation better than strife, consent better than coercion. In the present world resort to violence is at best a cowardly escape from democratic processes and at worst treason to the future."

I want to know apart from whatever has happened, how are you going to undo the harm that you have done, not to the DMK Ministry, not to the DMK Party, and not even to the State of Tamil Nadu but to the federal system of the Government and to the federal character of the Indian Constitution. You have done an incalculable damage.

Sir, once Pandit Jawaharlal Nehru said that "those who crawl do not fall." I say "I may fall, I may be felled, but I refuse to crawl."

SHRI K. GOPAL (Karur): Mr. Chairman, Sir, I rise to support this motion moved by the Home Minister. We have heard Mr. Sezhiyan who made a very fervent appeal to this House. He has said that democracy has been betrayed and that no norms have been fixed with regard to the dismissal of the D. M. K. Ministry in Tamil Nadu. Sir, I have also gone into the history of the D. M. K. Party and I would like to tell Mr. Sezhiyan that till the year 1967 Congress was in power in Tamil Nadu. We lost the elections then. Here I would like to quote what Mr. C. N. Annadurai himself said in this connection. He said that the Congress lost in the elections not because of their mis-deeds and mal-administration but because they did not tell the people what they were doing for the people

[Shri K. Gopal]
and what their achievements were. If only they had told the people what they had done actually for the people, they would not have been defeated.

Now, Sir, Mr. Sezhiyan welcomed the appointment of an Enquiry Commission and so also some of the leaders of the D. M. K. Party. The only difference is that Mr Sezhiyan did it in sincerity. I do not know whether the same sincerity is there in the case of other leaders of the D. M. K. Party. In the heart of his heart Mr. Sezhiyan would be happy that the D. M. K. Government has been defeated. Mr. Sezhiyan is a very decent and sober person and if everybody in his Party is like him, this contingency in Tamil Nadu would not have arisen

Sir, Mr. Sezhiyan has based his argument mainly on one point. He has said that there was no Constitutional breakdown in the State and there was no break-down of law and order. I would like to ask him what is the break-down of law and order. He means that only violent agitations would create break-down of law and order. If a man in the street takes the law into his hands, it leads to violent agitations. But what happens if people in power take the law in their own hands? The people in power have no order at all whether in the administration or otherwise. Is it not the break down of law and order? Does it necessarily mean that violent agitations should involve destroying of public property. (Interruptions) Therefore, I would like to tell him that the break-down of law and order need not necessarily mean that public property should be set on fire and people should be killed. He was demanding elections in Tamil Nadu. But his party did not hold elections to the local bodies there. The Madurai Corporation was superseded. He also referred to the policy propagation day which they were supposed to observe on 1st, 3rd and 4th February. In the garb of these meetings, was it not their plan to whip up the feelings of the people of Tamil Nadu against the Centre? His party opposed the emergency

by a resolution on 5th July 75. At the same time they said, "As a Government, we will faithfully follow the Centre's directives". In the Coimbatore Conference they said that the elections to the Assembly and Parliament should be held together. The extension of the life of Parliament was because of the emergency. But when you opposed the emergency by a resolution how can you ask for the extension of the life of the Assembly? Till the last minute they tried for extension of the Assembly? They sent one of their ministers to Delhi for that purpose.

SHRI SEZHIYAN: I would quote from the body of the resolution

MR CHAIRMAN: Interruption is no doubt a parliamentary practice, but it should not exceed a word or two. You cannot quote something in a way of an interruption.

SHRI K GOPAL: Is it not a fact that on the 10th February which was the date for convening the Assembly session you wanted to pass a resolution on State autonomy, quit the government honourably and tell the people 'We have resigned because we are demanding autonomy for the State from the Centre'?

Sir, with the existing powers they created hell. I do not know what would have happened if more powers were given to them. Only God could save Tamil Nadu. He referred to Periyar—E.V. Ramaswamy Naicker—and Annadurai. I may not agree with the political views of Periyar, but he was a social reformer. He wanted marriages to be celebrated at a cost of Rs 2. He wanted intercaste marriages. Have any of the DMK leaders celebrated marriages at Rs 2? Marriages were held at places like Abbotsherry and lakhs of rupees were spent. If they really follow the teachings of Periyar, may I know how many intercaste marriages have they performed? (Interruptions)

MR. CHAIRMAN: You cannot start getting up every time. Kindly make a note of these points and let your

colleague deal with them when his turn comes to speak.

SHRI K. GOPAL: If they go on quoting Periyar and Anna, one day these two gentlemen will get up from their graves. Anna was a soft person but Periyar would slap them and ask, "Are you really following my policies? Why are you quoting me every time?"

Then, he referred to Tamil culture. Sir, being an Indian one can be a good Tamilian and being a Tamilian, one can be a good Indian. It is not necessary that DMK alone stands for Tamil culture and others do not belong to Tamilnadu. He should change this attitude.

17.00 hrs

I would like to quote a few instances about misuse of powers by DMK. There was a project called the Viceram Project. More than Rs 20 crores were estimated in the beginning, and tenders were called for. They selected a party whose financial viability was not verified, and whose capacity was not as much as it should be. Still he was selected as a contractor; and they were squeezing money from him. The gentleman suddenly committed suicide. And then in the name of drought relief, how many crores have gone down the drain? Take the case of the drought relief activities undertaken by the local bodies. I will tell a story popular in Tamil Nadu. An Assistant Engineer took charge of an area, and after a year or so, he said that a tank should be constructed for irrigational needs in a nearby area. A few lakhs of rupees were sanctioned. Everything was on paper. Tenders were called for. But finally nothing took place and only money was spent. After two years, that Assistant Engineer was transferred. When the new man asked him: "There is no tank and you have spent so much money," the former gave the reply: "If you are a clever man, you can do anything you like." That man took over; and after six months, he said: The tank is a health hazard there is stagnation of water. It should be

closed." Finally no tank was constructed and no tank was closed. But money was spent. This is a common story. Mr. Krishnan is a union chairman. He knows better. In regard to roads, they would say that Rs 50,000/- were needed for their construction. Hardly Rs. 5,000/- would be spent. But on record, everything would be there. This is what is happening. In the year 1974, the State of Tamil Nadu had acute food shortage. It was only man-made. It was not that the production of food had gone down, 45 lakhs tonnes of foodgrains had been produced. But then why did the State go short of food? Deliberately, they removed all controls to see that foodgrains went to States like Kerala. Rice was being sold in Tamil Nadu at Rs. 6/- or Rs. 7/- a Kg. It was due to some party-man in power. Now about admission to profession colleges. There was nothing under-hand in their dictionary. Short of displaying it publicly, they had stipulated that for admission to medical colleges, Rs 40,000 - would have to be given, to engineering colleges Rs. 10,000/-, to agricultural college such-and-such an amount. This was the state of affairs and without any shame or fear, this was being done by responsible persons. Even poor people had no way out. Even when reservation for scheduled castes was made, only the rich among them could get the admission. Even backward communities had to pay, with the result that the brilliant boys did not find a place in the professional colleges. They were diverting the funds meant for the welfare of the scheduled castes. The funds were not utilized for the purpose for which they were meant. They were used for giving publicity and pushing up the image of some of the leaders. They wanted to see that the treasury was emptied before they left the Government. They lifted the Prohibition. They earned about Rs. 50 crores or Rs. 60 crores. Then they re-introduced it. I do not go into the merits or demerits of Prohibition. When they scrapped Prohibition, they told the Centre: "We are short of money. Why don't you give?"

[Shri K. Gopal]

Now about interference in the affairs of trade unions. I used to tell my Marxist friend Mr. Dinen Bhattacharya: "Have you heard of cycle chain trade unionism?" This was strated in Simpsons. There was a trade union leader by name Gurumurthi. He enjoyed the confidence of everybody. A DMK man was brought in his place. One former colleague of Mr. Dinen Bhattacharya, a Marxist, became the president of the trade union. You know how he treated the people? He was even charged for murder. On the one hand, the DMK did propaganda that they were for the workers. On the other, they suppressed the workers. They took no action to protect the interests of the workers; and the management resorted to lay-offs. Whenever there is any lay off, even though it affects the workers, they never take any action, but keep quiet. But, if their trade union is affected, especially after the Emergency, they used to take action.

We are all aware of what happened to the Vellore Hospital, which is one of the prize institutions of the country. People from all over the world come for treatment there. Just because the hospital authorities did not yield to the request of the State Government that a few seats should be allotted to the State Government to nominate their own people, they wanted to punish them. It started first the pretext of demolishing some wall, which was constructed about 50 years ago. Even the staff of the hospital were not spared. Some women employees were man-handled but the police remained silent spectators. It was nothing but personal vendetta, wreaking vengeance on an institution, which is in all India institution, which belonged to the minority community.

Take, for example, the speeches of the DMK leaders in the Thirunelveli Conference. One gentleman said that in the matter of population, Tamil Nadu will stand 18th in the world among the members of the United Nations. Probably, what he meant was

that Tamil Nadu should become free and it should become a Member of the United Nations. Shri Sezhiyan was saying that just because some DMK leader has said something, you cannot take that as the view of the State Government. In the Coimbatore Conference, in the presence of the Chief Minister and other Ministers, a leader said: "If the life of the Tamil Nadu Assembly is not extended, there is going to be blood-shed and revolution. We will see that we secede from the country." These are speeches, not by third rate speakers but by responsible legislators of the Tamil Nadu Assembly.

The trouble with the DMK, especially the middle and lower level, was that they never realised that there was a Central Government, they never realised that there was a Constitution and they did not know that article 356 was there in the Constitution. I have heard the speeches of some of the leaders of DMK. One gentleman was saying that if the Central Ministers come to Madras tomorrow, we will see that they are hand-cuffed and marched through Anna Salai in Madras. I do not blame them, because they did not realise that there was a provision in the Constitution under which they can be dismissed.

In the name of State autonomy, what were they saying?

"Mujibur Rahman wanted autonomy. You know he got independence. You ask for a autonomy. That is all. More than this, you can guess."

This is the trend of their speaking

Now I come to the situation after President's Rule. If, according to them, the people feel that the dismissal of the DMK Government was unjustified, in spite of all the precautions that any law and order machinery can take, there should have been at least some semblance of an agitation. But, even a blade of grass did not move. Everybody rather welcomed it, as our Home Minister said his speech. The Home Minister has said that he is going to

clean the administration and that he has instituted an inquiry commission to go into some of the charges against the DMK Ministry

We welcome it

The term of the local bodies in Tamil Nadu is going to expire very shortly I would request him not to extend their life, because these are places of corruption

Coming to co-operative societies, after the DMK Government came to power they amended the Co-operative Societies Act in order to enable them to get themselves elected to these institutions They amended the Act in such a way that Government will have the power to nominate members

SHRI J MATHA GODER (Nilgiri)
Only three out of 14

SHRI K GOPAL It is true that it was not done in all cases I am just giving an example They captured all the co-operative institutions in this way in the State which was once boasting to have the best co-operative institutions as well as panchayat unions Today they are in shambles

Temple funds were misappropriated by trustees who were nominated by the Government For God's sake do not extend their lives In their place, appoint people of integrity

I am happy that the Governor has already announced that admission to professional colleges will be strictly on merit

Officials who were hand in glove with the DMK Ministers and connived with them should be dealt with very severely There may be some good officers, who do their duty whichever party may be in power I do not blame them But some District Collectors acted as district secretaries of the party I would request the Home Minister to take action against them.

Interference in the administration in that State has been so much that people have lost faith in the administration itself So, let the Home Minister issue a directive that no individual representation should be entertained by the authorities Anybody can go to the officers for a cause but not for an individual cause If that is done it would restore the confidence of the people of Tamil Nadu and give a clean and good administration

[SHRI DINEN BHATTACHARYA]

(Serampore) Our friend, Shri Sezhiyan, has very ably placed before the House the real motive behind the imposition of President's rule in Tamil Nadu It is a blatant example of how the Constitution is being subverted by the ruling party at the Centre

The Governor's report mentions that the DMK Ministry in a series of acts of maladministration, corruption and misuse of power for achieving partisan ends set at naught all canons of justice and equity which are the hallmarks of a democratic administration Shri Sezhiyan has dealt with this matter also My Point is can the Home Minister cite a single Government under Congress rule which is not corrupt? Can he prove it here? You will find hundreds of cases of misuse of power against all the Governments under Congress rule I come from West Bengal where they came to power by rigging elections After assuming power they are using it for their party ends without looking to the interests of the common man or showing any respect to the provisions of the constitution You will not find a single appointment there made on merits, or of any man who does not belong to the Congress party Everywhere you will find the same situation So, why do you bring all this allegations against DMK only Does not your Government at the Centre here use its power for its own interests? When a Minister goes anywhere and the Congress Party holds a meeting the entire Government machinery is engaged to mobilise people People travel free of charge to attend that meeting either by train

SHRI DINEN BHATTACHARYA

or bus. Your Party can address a public meeting and explain their standpoint regarding emergency measures. But the Opposition cannot hold even a single meeting inside a hall. What is your explanation to that? Even the condolence meetings were banned. When an Ordinance relating to bonus was issued, we from the trade union organisations and the organisations belonging to the Opposition Party wanted to hold a meeting in Calcutta Maidan, but your Government did not permit us to do so. I do not know how you will explain your conduct? Mr. Reddy, I understand that the Ministers are given VIP treatment but it is strange that for a person who is neither an MP nor an MLA the whole battalion of the police force and the home guards other officers including the Governor come forward to give a grand reception at the government expense. It has taken place in our State very recently. It is better for Mr. Reddy to talk less of misuse of power by DMK Government. What was the harm if you would have waited only for seven weeks? In the Assembly, the total number of Members is 235. DMK have got 165 even after defection. Is it democracy or is it the way to give respect to the Constitution? You are misusing Article 356. It has never happened before. If you take the real meaning of 356 may I know was there any situation in Tamil Nadu where the law and order situation was not under control? There was nothing of the sort.

Mr. Era Sezhiyan has said that after sending the report to the Centre on 29th January he praised the Tamil Nadu Government on the 31st of the same month. So far as my information goes,—because I do not know how far it is correct—the Governor, in the first instance, did not sign, this report which was prepared here in Delhi, not in Tamil Nadu or Madras. He was forced to sign it. Otherwise, he would have lost his job. So, he thought it better to ditto it and send

it to the Centre. So, what does it matter if the Tamil Nadu Government goes? The Governor is very happy with his post. So, I emphatically state that there was no constitutional necessity to impose President's rule. If you had any respect for democracy, you would have given a challenge to the DMK Government and held election. I think the Chief Minister of Tamil Nadu wanted that there should be election. I know my statement is correct, that he wanted to hold an election but did not want any extension of the Assembly just as you have extended the term of the Lok Sabha without holding any election in the name of emergency. At least, that gentleman did not want that he wanted to face the people there and give an opportunity to the Tamil Nadu people to see that if they had done anything wrong or not good to the people of Tamil Nadu, they would have thrown them out. And the Congress or any other party would have captured power and formed the Government there. You did not take recourse to that. Instead of that you intentionally and very deliberately dismissed that Government which was there for nine long years. In 1971 they were your good bed mates. I deliberately use that term. You could not have won a single seat in Parliament there in Tamil Nadu without getting DMK's help. Now they are not so to your choice. They have become a problem to you. So, you have thrown them out. Why? Because the direction of your Government, the ruling party here is 'one nation' one party and one leader. You will not tolerate any Government which is not run by your own partymen. Even your own partymen, if they in any way differ with your leader, that will not be tolerated.

What has happened here? Mr. Ram Dhan and Mr. Mohan Dhan who was a Minister here are in jail. What is their fault? Nothing. Are they against the policies of the Congress party as enunciated by the founders of the

Congress? I do not think so. They were making very constructive criticisms. That was very much inconvenient to your leader. That is why they are rotting in jail. The very talk of saving Tamil Nadu people from the clutches of demons, as it has come in some papers, is all rubbish and non-sense.

I may tell you, after the President's Rule there what you are doing. Perhaps, many of us know that Mr. Ramani who was an M. P. here in 1967 was being treated in a Coimbatore hospital. On the very first day of the proclamation of the President's Rule there, he was arrested. Then, after a representation made by our Leader, Mr. Gopalan and a telegram sent by him to the Prime Minister and after Mr. Samar Mukherjee sent a representation, he was not released but was allowed to stay in the hospital and that too under police guard. Today, I have got the information it is a shame on your part that even his wife is not being allowed to see him or to give him home-made food. As he could not take the hospital food, he requested that he may be allowed to get some food cooked at home by his wife. Even that is not allowed.

I have got so many examples here. The real police raj has been imposed there. There is no end of terror anywhere. My young friend, Mr. Gopal, was saying something. I have got a copy of representations in which so many cases have been cited by our leaders, Mr. P. Ramamurti who was a Member here and Mr. Bhoopathy who is our leader at the Coimbatore district level. He has made a representation to the Governor. I would like to mention one or two things mentioned in the representation. It says:

"Our worker named Ramaswamy of the cotton Jubilee Mill of Singanallur was arrested on 2nd February 1976. The Inspector of Police slapped him on the road itself and blood came from his mouth. Then, he was taken to Singanallur Police Station and placed along with two other persons of the DMK party.

All the three were then stripped naked. Ramaswamy was beaten again. Then, a Nirodh Cap was forced on his penis and he was beaten on the penis. He was again beaten and thrown naked with the other two into the lock-up. After a lot of appeals, one Dhoti alone was thrown inside for each. Next day, they were charged with the offence of putting up notice boards saying "Down with Fascism".

And they were charged only with the offence of putting up notice boards saying "Down with Fascism." What is wrong with that? May I ask the Home Minister if it is illegal to say "Down with Fascism". The name of Smt. Indira Gandhi was not mentioned; it only said "Down with Fascism." Are you for Fascism?

It is most surprising that he was arrested after the memorandum being submitted to the Governor. He was arrested under the MISA so that he will be there rotting in jail month after month.

MR. CHAIRMAN: Before you make a statement, you should yourself see that the statement is not exaggerated. You should first satisfy yourself before making a statement in the garb of reading it. You must inform the speaker first that you want to read it.

SHRI DINEN BHATTACHARYA: What is unparliamentary about it?

MR. CHAIRMAN: It is not a question of its being unparliamentary; but if you want to read or quote from any document, you should first intimate, because, in the garb of reading, you can read anything.

(Interruptions)

SHRI H. M. PATEL: Is this a question of pre-censorship?

MR. CHAIRMAN: It is not a question of pre-censorship; it is a question of conducting the business according to rules.

SHRI H. M. PATEL: I think the only rule that exists is, if you are going to abuse anybody.

(Interruptions)

MR. CHAIRMAN: The question is, do you want to place it or lay it on the Table of the House? (Interruptions)

This is the rule about 'laying'. If you want to lay a paper or if you want to quote from it, then you have to intimate two days before....

SHRI SAMAR MUKHERJEE (Howrah): That rule has no relation with this.

MR. CHAIRMAN: It is said that a private Member may lay a paper on the Table when he is authorised to do so by the Speaker. The idea is that the Speaker must know beforehand what he is going to lay (Interruptions)

SHRI DINEN BHATTACHARYYA: I am sorry, you have misunderstood me.

MR. CHAIRMAN: Do you not want that to be a part of the record of the House?

SHRI DINEN BHATTACHARYYA: I want it. It is a part of my speech.

I want to give another instance. If you hear, you will be horrified what a torture is being perpetrated on the people there, specially on those who are not in the good books of the Congress. He has mentioned:

"I also wish to advert to the arrests and conduct of the Police in Nilgiris District also where persons regarded as supporting the DMK or the CPI(M) were also arrested. The DMK men arrested had their heads half-shaved and the election symbol of the DMK, the rising Sun, was engraved with a knife on their heads. For some of the arrested, one side of the moustache also was shaved

to tease and humiliate them and to jeer at them. It is only after they reached Coimbatore Central Jail that they were neatly shaved."

Mr. Reddy, please hear me. I have my experience. I know what happened after 1970 when you dismissed the West Bengal Government unconstitutionally. You were not there, Mr. Reddy, but Shrimati Indira Gandhi was there. I know how the police behaved. Now, that is going on throughout Tamil Nadu. You say you are protecting democracy! Do not give any stunt in this way. People cannot be fooled. They know what is what. You have extended the life of this Lok Sabha without holding elections, and you want to extend the life of the Kerala Assembly also where you tried various nefarious methods for defections from amongst Muslim League and from amongst Kerala Congress. Here, in the case of Tamil Nadu the Chief Minister was coming forward with a bold statement that if I have done anything wrong, people will throw me out, give me a chance to face the people and hold the elections, but you do not have the courage to face the people. So, you are saying this thing, that thing day in and day out. The Prime Minister is saying that the opposition conspired to topple the legally formed Government, the elected Government. Who has toppled the Tamil Nadu Government? Was it not legally elected? Was it not having an overwhelming majority in the House? You, however, did not feel ashamed and have come forward with this measure. Mr. Reddy, you are very much unfortunate to pilot this most pernicious notification or promulgation that you want the Parliament to ratify. I am sorry for that.

In Andhra Pradesh, when there was agitation for separation of Telengana and there was so much violence, Shrimati Indira Gandhi did not dissolve the Andhra Pradesh Assembly. It might be for the infighting of the party. Why did the Central Government not take any action during that time?

SHRI K. BRAHMANANDA REDDY:

Did your party want dissolution of Andhra legislative assembly on account of that?

AN HON. MEMBER: The present Home Minister was Chief Minister of Andhra at that time. He himself resigned and there was almost no Government.

SHRI DINEN BHATTACHARYA: Yes, he himself resigned. Some time Mr. Chavan was sent, some time Mr. Raghu Ramaiah was sent, there was absolutely a goonda raj there, no government, no rule of law.

We are not always of the same opinion, or agree with all the actions that might have been taken. We stand on certain principles. We are not like our CPI friends, who will say on one occasion that you are doing something against the Constitution, on the other occasion for the same action, they will praise the Government. We are not of that batch. We fully stand on principles. The Constitution says that after five years, there will be elections. It was almost at the fag end, only seven weeks were there, you could have approached the Tamil Nadu people, whom they will prefer. There the matter would have ended, but you have taken a decision, which will go down in history as the blackest action and a dark day not only for Tamil Nadu, but for the whole of our country. The hon. Members who are sitting here are not realising the situation today; they will have to realise it, it will boomerang; you will have to repent at that time. The ruling party is dragging our country to one party dictatorship. In the present case, it is a butchery of the very basis of our Constitution, that is the federalism, and you are still shamelessly coming before the House and asking for ratification.

I know, Shrimati Parvathi Krishnan is very much eager to speak and give full support to your motion

AN HON. MEMBER: May be for some other purpose.

SHRI DINEN BHATTACHARYA: But I know you are a prisoner of circumstances. You are always worried about your service, not about the people but about the post of Minister-ship, the post of Home Minister. Otherwise you will get no berth anywhere. So you are very much anxious to put through this order. Even now it is not late. Some hon. Member was telling that there was no protest. What a shameful utterance it is! What do you expect? Before independence we know what was the British rule. We know how they tortured, but we never experienced this sort of administration where you cannot even hold a closed-door meeting of your own Party, where you cannot publish your own speeches or your own comments. You cannot give your reaction in your own party journal. Our Party could not publish its own reaction on this proclamation of President's rule in Tamil Nadu,

MR. CHAIRMAN: I think now you conclude with this praise for the British.

SHRI DINEN BHATTACHARYA: I am sorry you took...

MR. CHAIRMAN: I took only one minute if at all. I have made amends for that. You have spoken for more than half an hour. Now, please conclude.

SHRI DINEN BHATTACHARYA: Further, I want to put it on record that our Party totally and emphatically protests against this undemocratic act which not only our Party but even the honest Congressmen who are sitting here should also oppose. I know that inside the House they may not, but, going out, what will be their reaction? They will say, 'It is bad. They could have held the election.' I know it. Again I repeat that I totally oppose this proclamation from A to Z.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): On behalf of my Party and on my own behalf I would like to

[Shrimati Parvathi Krishnan]

say first of all that we welcome the dismissal of this Ministry. We have been asking for this for quite some time. We also welcome the setting up of the Inquiry Commission for the very same reasons that Mr. Sezhiyan himself has mentioned. We have been demanding this Commission of Inquiry and for a pretty long time. It is not only on the 1st of December, 1975 but I would remind the hon. Home Minister that our demand for an inquiry into the corruption of the DMK Ministry is a long standing one. There was a tremendous movement in Tamil Nadu demanding that such an inquiry should take place. Mr. Dinan Bhattacharyya has referred to about police atrocities. But he forgets the atrocities that took place at that time. I would like to remind him that women and children were beaten up. For what? For participating in a demonstration demanding that there should be an inquiry. So, when we talk of police atrocities let us remember that in Tamil Nadu my people are a courageous people. They are not frightened of Police atrocities. They are not frightened of being sent to jail that they will be beaten up, that the women will be raped. They have faced that even under the DMK regime. Therefore, to-day, if after the President's proclamation, there has not been that ferment, it is not because of the fear of the Police. Not at all. Let Mr. Dinan Bhattacharyya remember that my people are courageous enough and had there been a single person who felt that this was a wrong and undemocratic action, that person would certainly have found the support of the common people if they supported the DMK government and the DMK policies as they understand them. They would certainly have found such a movement taking place.

That movement has not taken place. With this you see another strange phenomenon. Rats are leaving the sinking ship and the sailing ship is ready to take them over. I wonder why? I think the sailing ship should

also be aware, you might sink with that weight. The weight is now going from the sinking ship. Please guard against that weight, which is going into your ship. This is what I would like to say in the beginning that in Tamil Nadu to-day it is not only a case of corruption.

I agree with Shri Sezhiyan that those cases of corruption are there, those charges are there, which do demand immediate action and enquiry. We have never failed in demanding such an action and enquiry. The Kerala Government did take action on such a matter. Two Communist Ministers did resign. A Commission of enquiry was set up and the enquiry was gone into and they were absolved. Of course they would say, why not do the same thing here? That is exactly my point. The reason is—for the past eight months particularly since the declaration of emergency certain serious political developments have been taking place in Tamil Nadu. Various speeches have been made there. I appreciate whatever Mr. Sezhiyan has said here, I agree, that I have never heard of him making such speeches. But certainly at the recent State Provincial Conference held in December in Coimbatore speeches were being openly made by one Member of Parliament who is not here to-day. He is held under MISA. He claimed that 'the DMK is not a small party functioning within the State, it is a great movement of Tamil people all over the world and that Tamilians in other countries look to the DMK as defender of their rights'. This smacks very much of the overseas Chinese and Mao's DMK Government is there to give protection to the Tamils throughout the world—very strange philosophy!

The only other place from where we have heard that philosophy is the erstwhile guruji of Mr. Dinan Bhattacharyya Mao Tse-Tung and Company who always talk about "overseas Chinese" and you have to look after them. And again "several foreign missions in Delhi and other places.."

SHRI DINEN BHATTACHARYYA:
Dinen Bhattacharyya and Co., do not believe in guruji. That is your monopoly.

SHRIMATI PARVATHI KRISHNAN:
Let me remind him that he was using the word 'company'. I was just trying to use Indian terminology. That is all. That is a particular terminology which he does not understand. I am very sorry. The DMK gentleman further said:

"Several foreign missions in Delhi and other places have sent greetings wishing the conference a success. The American and British diplomats have sent messages of greetings. I will not reveal the contents or their names." What is there so strange in that context? There was a secret meeting that was held in the Taj Coromandel in Madras where under an assumed name the Ambassador of one of these missions had a meeting with the erstwhile Chief Minister Dr. Karunanidhi. For what was that meeting being held of which a report came in the paper. There has been no denial. There was such a patriotism and such an honesty and all that after the emergency! What was cooking there and what was cooked? I do not know what they ate or what they drank.

SHRI DINEN BHATTACHARYYA:
You were cooking there

SHRIMATI PARVATHI KRISHNAN:
You have always undercooked food. I am not yielding to you. I did not interrupt your speaker and I think you would show me the same courtesy. What has happened after June 1975? We, from the communist party, were pointing out that here was a State where as soon as the emergency came there were big mass rallies being held where the Prime Minister was being accused of becoming a dictator and so on and so forth. At that time where was the question of censorship? It was also appearing in

the papers, and we know it very well, that there were some abusive cartoons where the Prime Minister was shown in derogatory terms.

Of Course, I have got my own quarrels with her; I have criticised her; I have no hesitation in saying so when things are wrong; but certainly it is not fascism that we have in this country; and those, who use that word so blindly and so blithely, should understand that it is in Chile that you see fascism today where thousands of people are just being exterminated in concentration camps and so on. Mr. Dinen Bhattacharyya is sitting here and talking about it, but would his voice be allowed in Chile. I would like to know. Of course, there are people who are in jail and we from the communist party have been demanding that civil liberties should be protected and that proper enquiry should be conducted. Those who talk about fascism should understand what has happened in Tamilnadu.

In a village in Tanjore recently on the 18th of January, paid goondas of landlords accompanied by police party entered the village, attacked the agricultural labourers there, raped their women, beating up their children, looted their houses, and so on. These agricultural labourers were only demanding the implementation of the 20-point programme where minimum wage for the agricultural labourers has been assured. This is what happened there and what is their reply to it? Is this the way that Harijans are being protected? All these months, the Central Government and the Governor, like ostriches kept their heads in sand, when we were warning them that this is what is happening there, that this talk about implementation of the 20 point programme there is nothing but a blinking eyewash? How is it that those ostriches have suddenly woken up? Although we welcome their waking up.

[Shrimati Parvathi Krishnan]

After the emergency leafleteering was going on and Tamil Nadu was an asylum for all those who were opposing emergency, for all those that the Central CID was searching. I do not want to go into names, I would also like to say that there were occasions when I have seen the people who should today be in the drag-net of the central intelligence, but I am not that much of a friend of the central intelligence. But that apart, I would like you to come to Tamil Nadu. Even today, if you come you will see on the walls anti-Centre slogans, anti-emergency slogans, slogans describing the Prime Minister in an abusive and filthy language. Is this the way of enveloping and propagating the culture of Tamil Nadu? This is only distortion of the culture of Tamil Nadu and any decent Government would have seen to it that these things on the walls are erased then and there because of their vulgarity if nothing else. But after the emergency inflammatory speeches were being made. We were being told that today "he is the Chief Minister and they are trying to dismiss him, but, very soon, he is going to be the Prime Minister of a country."

That does not mean Prime Minister here! Behind it is the thought of nothing less than secession. It is easy verbally to say that they have given it up. But, in practice, certain issues were there and there was, all the time, this undercurrent and, in public meetings, speeches were being made. Unfortunately, the taperecordings are not there. They are with the concerned authorities. These speeches were being widely made and, particularly, after the emergency, there was generally a feeling of uncertainty among the people in Tamil Nadu. More than anything was the stepping up of the anti-Malayalee moves that were being done by the DMK Government during the past three years. Step by step, the feelings against the Malayalees, particularly, against Kerala were being whipped up. I wonder that Mr. A. K.

Gopalan has never mentioned about them here. Time and again memoranda have been given to us. There are ordinary little shops in Coimbatore District, for instance, in Salem and in Madras. Somebody comes from Kerala with a small capital of Rs. 100 or 150 to set up a small pan shop or biri shop and he extends it a little to a tea shop but he is not allowed; the same DMK Government who shouted so much about the Shiv Sena did not raise their finger in order to defend those poor Malayalees who were being beaten up. They have an obsession about Malayalees.

I have had to take up cases of promotion or of increment where they have been discriminated against. There is a case of an Acting Vice Principal of a B.T. College born in Madras, educated in Tamilnadu. Even when the State split up, she chose Tamilnadu service rather than Kerala service. The only sin was that she had the name of a Malayalee. She speaks Tamil better than Malayalam; she speaks Tamil better than English. To-day here case is not set right because she has a Malayalee name. She stands to lose not less than Rs. 30,000. For a teacher Rs. 30,000 is not a small sum. This is the kind of anti-national feeling that was being built up which was reaching a kind of crescendo.

It is very easy, for Mr. Sezhiyan to say very nice things here and to quote about the Kerala Government being dismissed way back in 1959 and to quote from the speeches of my leader, Shri S. A. Dange and to say that what he said then applies to-day. History is not a static concept; history is a dynamic moving concept. To-day when we are talking about Tamilnadu, we are talking about Tamilnadu in a period of emergency when the disruptive forces from abroad have tried to disrupt the national process of our development and our progress. Those disruptive forces to-day could operate from one particular part of our country. The DMK Ministry of 1975-76 is certainly not communist

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progressive Ministry of Kerala of 1959. I reject that parallel for the simple reason that my party has, never at any time worked hand in glove with any foreign agency. It has never at any time worked in order to undermine our national independence. You might disagree with our politics; you might disagree with our policies. But, there is no one who will disagree with our patriotism and loyalty to our country and our independence.

In 1962 when China attacked this country, the Communist Party was first to condemn it as aggression. At that time there were many in the communist movement throughout the world who said 'How can you criticise a communist country?' But, we

said 'no first and foremost, the Communist Party is patriotic.' 'To-day when we say emergency was necessary, we say it because of this intrigue of CIA. We have seen throughout the world how they are trying to operate. Coming as I do from Tamilnadu, I know very well how they have been operating there also.

MR. CHAIRMAN: All right. You can continue tomorrow. The House stands adjourned to meet again at 11 A.M. tomorrow.

18 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, March 10, 1976/Phalgun 29, 1897 (Saka)